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**Subject:** PLI's Upcoming One-Hour Briefings

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# One-Hour Briefings

## Upcoming Briefings

### ANTITRUST

- Antitrust and High-Tech in the Spotlight: What Does It All Mean?

### CORPORATE & SECURITIES

- Due Diligence in Cannabis Industry Transactions
- Preparing for the End of LIBOR: Contractual, Finance, Derivatives, Disclosure and Other Considerations

### CYBERSECURITY

- Using the SAFETY Act to Demonstrate "Reasonable" Cybersecurity Plans to Regulators

### EMPLOYMENT

- OSHA Basics: What You Need to Know to Handle an OSHA Case

### ETHICS

- Ethics in the Age of the 24-Hour News Cycle

### INSURANCE

## On-Demand Briefings

Beware of the Home DNA Kit!

Carve-Out Transactions:  
Practical Tips for Successfully  
Navigating Key Pitfalls

Dealing with Social Media:  
What Are the  
Ethical Guideposts?

Expanded Regulation A  
Exemption

Human Rights Disclosure  
Mandates: A Practical Compliance  
Guide Through the Maze of New  
Laws Around the World

Implications of Political Activity by  
Your Company, Its Executives  
and Employees

Managing Outside Vendors for  
In-House Counsel

Medical Device Post-Market  
Cybersecurity – Stakeholder  
Interactions and the Importance of  
Advancing Coordinated  
Vulnerability Disclosure

More than Moving:  
How Changing Domicile Properly  
Can Reduce Taxes

The New Engine Room:  
How Direct Lending Has Changed  
the Finance Landscape

New Excess Business Loss

- Insurance Coverage for Revived Claims Under the NY Child Victims Act

#### LITIGATION

- Confidentiality in Arbitration

#### PATENT

- The Evolving Patent Eligibility of Life Sciences Method Claims

#### PRIVACY

- Privacy and Data Security Developments: Latin America

#### PRO BONO

- New York, New York: Highlights of the 2019 Bail Reform Law

#### PROFESSIONAL DEVELOPMENT

- Collaboration: Breaking Down Silos to Foster Business
- Conflict Resolution for Lawyers: How to Break Through (Seemingly) Intractable Deadlocks
- Fearless Feedback: Developing Your High Performance Team
- Introduction to Information Governance for In-House Counsel

#### REAL ESTATE

- Real/Hard Asset Funds: Real Estate and Infrastructure

Limitations for Non-Corporate Taxpayers: More Losses, More Problems

New York State's Newly Enacted Criminal Discovery Rules: Changes You Need to Know Before 2020

New York's SHIELD Act: Protecting Consumer Privacy in the Empire State

Products Liability: Managing Potential Exposure on Multiple Fronts

Swap Dealer Conduct Risk

Top Questions You Should Ask Before Choosing a Mediator for Your Case

Trends and Changes in the Non-Traded REIT Space

## The Evolving Patent Eligibility of Life Sciences Method Claims

When coupled with decisions in *Vanda Pharmaceuticals v. West-Ward Pharmaceuticals* and *Roche Molecular Systems v. Cepheid* last year, the Federal Circuit's recent decisions in *Cleveland Clinic Foundation v. True Health Diagnostics*,

**Date:**  
*September 9*  
**11-12pm ET**



*Endo Pharmaceuticals v. Teva Pharmaceuticals*, *Natural Alternatives International v. Creative Compounds*, and *Athena Diagnostics v. Mayo Collaborative Services* suggest that the court has drawn a distinction between diagnostic method claims and method of treatment claims. In particular, diagnostic method claims appear to be almost per se patent ineligible, while method of treatment claims have been found by the Federal Circuit to be patent eligible in some cases. This distinction between diagnostic method claims and method of treatment claims was further highlighted by the Federal Circuit's recent order denying rehearing *en banc* in *Athena Diagnostics v. Mayo Collaborative Services*, which was accompanied by eight opinions, four concurring in the denial of the petition for rehearing *en banc* and four dissenting in the denial of the petition. When the court's decisions are considered in the context of the U.S. Patent and Trademark Office's May 2016 subject matter guidance update – and, in particular, Example 29 of the update – practitioners are starting to get a better idea of how to best obtain life sciences method claims. However, since the Supreme Court is currently entertaining a petition for *certiorari* in the *Vanda Pharmaceuticals* case, and has invited the Solicitor General to file a brief in this case expressing the views of the United States, there may be more change coming with respect to the patent eligibility of life sciences method claims.

**Moderator:**  
**Donald L. Zuhn, Jr., Ph.D.**  
*McDonnell Boehnen Hulbert & Berghoff LLP*

**Faculty:**  
**Brian A. Cocca, Ph.D.**  
*Regeneron Pharmaceuticals, Inc.*  
**June E. Cohan**  
*United States Patent and Trademark Office*  
**Sarah E. Fendrick, Ph.D.**  
*McDonnell Boehnen Hulbert & Berghoff LLP*

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## ***Antitrust and High-Tech in the Spotlight: What Does It All Mean?***

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**Date:**  
September 9

**Faculty:**  
**Megan Browdie**  
*Cooley LLP*  
**M. Howard Morse**  
*Cooley LLP*

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September 10

**Faculty:**  
**John S. Ho**  
Cozen O'Connor

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## Insurance Coverage for Revived Claims Under the NY Child Victims Act

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**Date:**  
September 11

**Faculty:**  
**Mark E. Miller**  
Miller Friel, PLLC

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**Date:**  
September 12

**Faculty:**  
**Harris B. Freidus**  
Paul, Weiss, Rifkind,  
Wharton & Garrison LLP  
**Udi Grofman**  
Paul, Weiss, Rifkind,

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**Date:**  
September 13

**Faculty:**  
**Deborah Brightman**  
**Farone**  
Farone Advisors LLC  
**Dr. Heidi K. Gardner**  
Harvard Law School

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## New York, New York: Highlights of the 2019 Bail Reform Law

In April 2019, New York passed legislation on bail reform to update a set of state pretrial laws that had remained largely untouched since 1971. Compared to bail reform efforts in New Jersey and California, New York's new bail law received relatively little media coverage or national press, as it didn't go as far as originally promised to eliminate money bail entirely. Yet the relative lack of fanfare over the passage of New York's new bail law belies its historic and transformative potential to end mass incarceration at the local level. If implemented effectively, a conservative estimate of the legislation's impact suggests that New York can expect at least a 40% reduction overall in the state's pretrial jail

**Date:**  
September 13  
**3pm ET**

**Faculty:**  
**Insha Rahman**  
Vera Institute of Justice

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population. Expert faculty will discuss the key provisions of New York's new bail law; opportunities and challenges with implementation; and the potential of this new law to inspire transformative bail reform elsewhere.

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## Fearless Feedback: Developing Your High Performance Team

As a leader, sharing developmental feedback is an obligation, not a luxury. But far too many people avoid feedback conversations. Learn how to overcome the three most common barriers to feedback, including the threat perception. This session will help you use feedback as a powerful driver to help people across your organization thrive. Experts will help you: master feedback conversations using eight proven success principles; learn how to build feedback loops to normalize feedback across your culture; and encourage people to welcome feedback as a crucial development tool.

**Date:**

September 17

**Faculty:**

**Lenora Ausbon-Odom**

DLA Piper

**Ann Gomez**

Clear Concept Inc.

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## Preparing for the End of LIBOR: Contractual, Finance, Derivatives, Disclosure and Other Considerations

Regulators are putting more focus on the urgency needed from market participants to ensure a smooth transition from LIBOR, which is likely to phase out by 2021. Join expert faculty for an overview of the latest from the Alternative Reference Rates Committee (ARRC), a group of private-market participants convened to help ensure a successful transition from LIBOR for floating rate notes, syndicated business loans, bilateral business loans and securitizations, the current guidance from ISDA relating to hedging arrangements, the SEC on disclosure and other updates on the status of the transition. In addition to an overview of these and other topics, faculty will provide practical tips and takeaways on how to: identify the key transition risks facing your company or clients; mitigate these risks; effectively prepare your company and stakeholders; and evaluate any need for disclosures.

**Date:**

September 18

**Faculty:**

**Lillian Brown**

Wilmer Cutler Pickering

Hale and Dorr LLP

**Chalyse Robinson**

Wilmer Cutler Pickering

Hale and Dorr LLP

**Dino Wu**

Wilmer Cutler Pickering

Hale and Dorr LLP

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## Using the SAFETY Act to Demonstrate "Reasonable" Cybersecurity Plans to Regulators

As more states impose cybersecurity obligations on businesses, companies are facing the increasingly difficult task of trying to demonstrate that their security programs and policies are "reasonable." Compounding that challenge is the fact that regulators often provide little to no guidance on what exactly would constitute a "reasonable" or otherwise appropriate cybersecurity program. In lieu of specific guidance, one approach regulated entities could take is having their cybersecurity programs and policies evaluated under the SAFETY Act, a liability management program administered by the U.S. Department of Homeland Security. Under the SAFETY Act, DHS will review cybersecurity policies and procedures to determine if they are "effective" and "useful" in deterring, defeating, responding to, or otherwise mitigating the threats posed by cyberattacks. Successfully moving through a SAFETY Act review would thus not only give companies affirmative defenses that can be used to minimize or eliminate civil liability, but would also provide them with a very strong factual argument that DHS has found the security programs and policies in question to be "reasonable," and thus so should other regulators. Learn what types of cybersecurity programs and policies are eligible for review under the SAFETY Act, and how the SAFETY Act can be used to demonstrate compliance with regulations such as the NY DFS cybersecurity regulation, the NY SHIELD Act, and the CCPA.

**Date:**  
September 19

**Faculty:**  
**Brian E. Finch**  
Pillsbury Winthrop Shaw  
Pittman LLP  
**Cassie Lentchner**  
Pillsbury Winthrop Shaw  
Pittman LLP

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## Ethics in the Age of the 24-Hour News Cycle

In today's ubiquitous and intrusive media environment, nothing is "off the record." A client is often found culpable in the court of public opinion long before there have been any decisions in a court. The need to represent your client *outside* of the courtroom, especially when your client is being convicted there, requires specialized advocacy skills. Expert faculty will address the ethical concerns in dealing with publicity and attendant social media coverage while representing your client well, by using an actual scenario from a high-profile case to illustrate the many parties and platforms that may sway the court of public opinion and ultimately affect your client's position inside the courtroom. Faculty will also discuss the Rules of Professional Conduct that prescribe a lawyer's professional responsibilities regarding competence, communication and trial publicity on the part of both the attorney *and* commentators, many of whom are lawyers; and review guidance for lawyers and commentators put forth by the American College of Trial Lawyers and the National Association of Criminal Defense Lawyers.

**Date:**  
September 20

**Faculty:**  
**Andrea D. Lyon**  
Lyon Law

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## Privacy and Data Security Developments: Latin America

More than 22 countries in Latin America have adopted data protection laws. In addition, several countries with established laws are in the processes of revising their laws. Expert faculty will talk about the changes, the trends and new developments in privacy and data security in Latin America. The discussion will include: new developments in Brazil; Argentina's proposed changes; and new laws that have recently been enacted.

**Date:**  
September 24

**Faculty:**  
**Laura Juanes Micas**  
Facebook Inc.  
**Miriam H. Wugmeister**  
Morrison & Foerster LLP

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## Conflict Resolution for Lawyers: How to Break Through (Seemingly) Intractable Deadlocks

Most lawyers have heard the quote by Carl Sandburg: "If the facts are against you, argue the law. If the law is against you, argue the facts. If the law and the facts are against you, pound the table and yell like hell." As attorneys, we often find ourselves in conflicts that seem to bear no connection to the law or the facts, where the sides are so entrenched and the arguments so repetitive that there seems to be no way to break the logjam. These conflicts can arise in litigation or dealmaking, where we expect two opposing sides, but they can also arise in other areas of our legal careers, such as in managing case teams and clients. Expert faculty will break down the causes of intractable conflicts and provide practical advice for reaching an agreement.

**Date:**  
September 25

**Faculty:**  
**Ben Sachs**  
University of Virginia  
School of Law

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## Introduction to Information Governance for In-House Counsel

Utilizing real-world examples and case studies, this Briefing will present, in lay terms, an overview of information governance – what it is and why organizations are developing

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September 26



these programs. Expert faculty will discuss strategies and approaches to creating an information governance program; address the who, what, and how of information governance; review different components of information governance, including records management and privacy; and identify the business benefits that an organization can expect.

**Faculty:**  
**Mark Diamond**  
Contoural, Inc.  
**Thomas L. Mighell**  
Contoural, Inc.

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## Confidentiality in Arbitration

One of the most important aspects of commercial arbitration is the privacy and potential confidentiality of the process and the outcome. But the scope and the relationship of privacy and confidentiality are not well understood and often conflated. On the employment and consumer front, arbitration has been the subject of great attention in federal and state courts, including the U.S. Supreme Court, and federal and state legislatures. The focus of the #MeToo movement has altered the calculus and concerns about repeat players, transparency and confidentiality, especially when charges of sexual harassment are at issue. Expert faculty will provide critical information regarding the actual scope of confidentiality and privacy, and also discuss whether greater transparency would advance the public interest or decrease the public challenge to arbitration.

Attendees are entitled to a 35% discount on the price of PLI's [\*Arbitrating Commercial Disputes in the United States\*](#). Simply enter discount code **OHB9 AC926** into both priority code boxes in your cart prior to check-out.

**Date:**  
September 26  
**3pm ET**

**Faculty:**  
**Laura A. Kaster**  
Appropriate Dispute  
Solutions  
**David C. Singer**  
Arbitration & Mediation

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## Due Diligence in Cannabis Industry Transactions

With the cannabis regulatory environment changing at a rapid pace it is more important than ever to conduct proper due diligence with any potential transaction. Each state promulgates its own rules and regulations for cannabis and hemp operations, and as such, industry participants must understand these differences to confirm compliance. Proper due diligence will help ensure any potential transaction goes smoothly and expeditiously. Expert faculty will address due diligence in the cannabis industry, and will cover topics including deal structure; status of licenses/operations; compliance; banking issues; hemp and CBD operations;

**Date:**  
October 3

**Faculty:**  
**Charles Aloviseti**  
Vicente Sederberg LLP  
**Elliot Choi**  
Vicente Sederberg LLP

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Basics of the Federal Election Campaign Act 2019

The Biometric Breakdown: Collection, Sharing, Protection, and Risk of Biometric Information

Blogging for Lawyers: How to Find Your Niche, Grow Relationships, and Build a Reputation

CFIUS and the Expanding Scope of Foreign Direct Investment Reviews

Disclosure Effectiveness and FAST Act Amendments

Environmental Justice: Assisting Rural Communities

Estate Planning for Social Media Influencers

Finding Time: Delegating and Productivity Strategies for Busy Legal Professionals

From Disclosures to Deadlines – Managing the Changes in the SEC's Disclosure Modernization and Effectiveness Initiatives

How to Show and Tell the Story of Your Case

## INTERNATIONAL LAW

- International Sanctions Law – Recent Developments from a U.S. and EU Perspective

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- The Evolving Patent Eligibility of Life Sciences Method Claims

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Private Litigation in the Blockchain Era

Using Artificial Intelligence to Open New Lending Markets

## International Sanctions Law – Recent Developments from a U.S. and EU Perspective

With developments occurring in international markets, sanctions laws have quickly evolved as tensions between the United States, Iran, and Venezuela have greatly changed the sanctions landscape. Similar developments have occurred with respect to sanctions issued by the EU, Her Majesty's Treasury and the United Nations. Never has it been more complicated to comply with international sanctions law and to keep abreast of developments. This session will provide a brief overview of sanctions law generally, along with an update of current developments, enforcement, and compliance. In addition, expert faculty will cover developments with regard to the Helms-Burton Act and implications for doing business in Cuba, including the litigation risks.

**Date:**  
September 4

**Faculty:**  
**Andrew S. Jacobson**  
Seward & Kissel LLP  
**Bruce G. Paulsen**  
Seward & Kissel LLP  
**Cherie Spinks**  
Simmons & Simmons LLP  
**Alexandra Webster**  
Simmons & Simmons LLP

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McDonnell Boehnen  
Hulbert & Berghoff LLP

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Pharmaceuticals, Inc.  
**June E. Cohan**  
United States Patent and  
Trademark Office  
**Sarah E. Fendrick, Ph.D.**  
McDonnell Boehnen  
Hulbert & Berghoff LLP

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Cooley LLP  
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Cooley LLP

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Miller Friel, PLLC

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Wharton & Garrison LLP

**Udi Grofman**

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Wharton & Garrison LLP

**David W. Mayo**

Paul, Weiss, Rifkind,  
Wharton & Garrison LLP

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**Farone**

Farone Advisors LLC

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## New York, New York: Highlights of the 2019 Bail Reform Law

In April 2019, New York passed legislation on bail reform to update a set of state pretrial laws that had remained largely untouched since 1971. Compared to bail reform efforts in New Jersey and California, New York's new bail law received relatively little media coverage or national press, as it didn't go as far as originally promised to eliminate money bail entirely. Yet the relative lack of fanfare over the passage of New York's new bail law belies its historic and transformative potential to end mass incarceration at the local level. If implemented effectively, a conservative estimate of the legislation's impact suggests that New York can expect at least a 40% reduction overall in the state's pretrial jail population. Expert faculty will discuss the key provisions of New York's new bail law; opportunities and challenges with implementation; and the potential of this new law to inspire transformative bail reform elsewhere.

**Date:**

September 13

**3pm ET**

**Faculty:**

**Insha Rahman**

Vera Institute of Justice

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## Fearless Feedback: Developing Your High Performance Team

As a leader, sharing developmental feedback is an obligation, not a luxury. But far too many people avoid feedback conversations. Learn how to overcome the three most common barriers to feedback, including the threat perception. This session will help you use feedback as a powerful driver to help people across your organization thrive. Experts will help you: master feedback conversations using eight proven success principles; learn how to build feedback loops to normalize feedback across your culture; and encourage people to welcome feedback as a crucial development tool.

**Date:**

September 17

**Faculty:**

**Lenora Ausbon-Odom**

DLA Piper

**Ann Gomez**

Clear Concept Inc.

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## Preparing for the End of LIBOR: Contractual, Finance, Derivatives, Disclosure and Other Considerations

Regulators are putting more focus on the urgency needed from market participants to ensure a smooth transition from LIBOR, which is likely to phase out by 2021. Join expert faculty for an overview of the latest from the Alternative Reference Rates Committee (ARRC), a group of private-market participants convened to help ensure a successful transition from LIBOR for floating rate notes, syndicated business loans, bilateral business loans and securitizations, the current guidance from ISDA relating to hedging

**Date:**

September 18

**Faculty:**

**Lillian Brown**

Wilmer Cutler Pickering

Hale and Dorr LLP

**Chalyse Robinson**

Wilmer Cutler Pickering

arrangements, the SEC on disclosure and other updates on the status of the transition. In addition to an overview of these and other topics, faculty will provide practical tips and takeaways on how to: identify the key transition risks facing your company or clients; mitigate these risks; effectively prepare your company and stakeholders; and evaluate any need for disclosures.

Hale and Dorr LLP  
**Dino Wu**  
Wilmer Cutler Pickering  
Hale and Dorr LLP

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## Using the SAFETY Act to Demonstrate "Reasonable" Cybersecurity Plans to Regulators

As more states impose cybersecurity obligations on businesses, companies are facing the increasingly difficult task of trying to demonstrate that their security programs and policies are "reasonable." Compounding that challenge is the fact that regulators often provide little to no guidance on what exactly would constitute a "reasonable" or otherwise appropriate cybersecurity program. In lieu of specific guidance, one approach regulated entities could take is having their cybersecurity programs and policies evaluated under the SAFETY Act, a liability management program administered by the U.S. Department of Homeland Security. Under the SAFETY Act, DHS will review cybersecurity policies and procedures to determine if they are "effective" and "useful" in deterring, defeating, responding to, or otherwise mitigating the threats posed by cyberattacks. Successfully moving through a SAFETY Act review would thus not only give companies affirmative defenses that can be used to minimize or eliminate civil liability, but would also provide them with a very strong factual argument that DHS has found the security programs and policies in question to be "reasonable," and thus so should other regulators. Learn what types of cybersecurity programs and policies are eligible for review under the SAFETY Act, and how the SAFETY Act can be used to demonstrate compliance with regulations such as the NY DFS cybersecurity regulation, the NY SHIELD Act, and the CCPA.

**Date:**  
September 19

**Faculty:**  
**Brian E. Finch**  
Pillsbury Winthrop Shaw  
Pittman LLP  
**Cassie Lentchner**  
Pillsbury Winthrop Shaw  
Pittman LLP

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## Ethics in the Age of the 24-Hour News Cycle

In today's ubiquitous and intrusive media environment, nothing is "off the record." A client is often found culpable in the court of public opinion long before there have been any decisions in a court. The need to represent your client *outside* of the courtroom, especially when your client is being

**Date:**  
September 20

**Faculty:**  
**Andrea D. Lyon**



convicted there, requires specialized advocacy skills. Expert faculty will address the ethical concerns in dealing with publicity and attendant social media coverage while representing your client well, by using an actual scenario from a high-profile case to illustrate the many parties and platforms that may sway the court of public opinion and ultimately affect your client's position inside the courtroom. Faculty will also discuss the Rules of Professional Conduct that prescribe a lawyer's professional responsibilities regarding competence, communication and trial publicity on the part of both the attorney *and* commentators, many of whom are lawyers; and review guidance for lawyers and commentators put forth by the American College of Trial Lawyers and the National Association of Criminal Defense Lawyers.

Lyon Law

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**Sent:** Thur 8/8/2019 2:05:41 PM (UTC-04:00)  
**Subject:** Write brilliant stories, excel at school and in life.

## **Pre-order our new card game**

### **May the best storyteller win!**

Ages 7+  
MWS Level 10000  
300 illustrated word cards  
200 story cards

**\*Shipping starts 6th September!\***  
**Limited Stock. Don't Wait.**

*Perfect for children who want to improve their creative writing descriptive vocabulary while having fun.*

Tell better stories and make each other laugh with 300 hilariously illustrated word cards and 200 story cards.

Play on as the budding storyteller erupts inside you and words flow like lava. Find the right words for a haunted castle, a bank robbery, a troll picking its nose, or a blizzard. The words in this game were chosen to help children write brilliant stories, excel at school and in life.

Players take turns to be the Master Storyteller. The Master Storyteller takes a story card and reads it aloud. The other players each pick the word card in their hand that they think best fits the story card. The Master Storyteller decides which word card is the best - win points for playing the funniest, scariest, or most disgusting card. Whoever put down the winning card gets to keep the story card. The first person to collect five story cards wins! Guaranteed to make the whole family explode with laughter.

Developed with childhood literacy experts and with word selection informed by cutting-edge machine learning, the *Storyteller's Card Game* features 300 storytelling words, carefully curated into six themes - Character, Settings, Taste and Smell, Action, Emotion, and Weather.

**Warning: this game is seriously addictive to adults as well as children.**

**Laugh. Scoot.**  
**Learn thousands of words!**

Grab your scooter and explore  
Blabberville, an ever-expanding 3D city  
powered by words.

**New mobile game  
coming September**

**Get the inside scoop**

The Blab is your insider's guide to all  
things Epic Word Adventure.

Children will be kept in the know, with  
updates on missions and minigames,  
Blabberville gossip, brain tips, and more!

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**Sent:** Thur 8/8/2019 8:30:37 AM (UTC-04:00)  
**Subject:** Write brilliant stories, excel at school and in life.

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Jul 25, 2019

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## Daily Brief

### Can industry help make FedRAMP security evaluations less painful?

The Federal Risk and Authorization Management Program's Program Management Office is soliciting ideas on how to fix numerous challenges that cloud service providers and agencies face in receiving approval.

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#### The 4 cornerstones of government acquisition reform

The General Services Administration is juggling multiple acquisition reforms that aim to collectively change the way government buys goods and services.

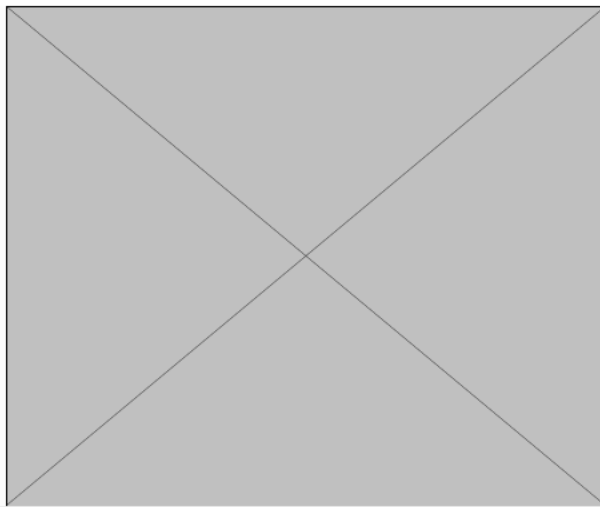
#### Democratic senators fear for 2020 election security

A group of senators urged Majority Leader Mitch McConnell to take action on security bills amidst a "host of threats" facing the upcoming presidential election.

#### How the Federal Data Strategy is transforming data into a strategic asset

The Trump administration sees 2019 as a major push year for federal data policy, and has highlighted the importance of investing in key supporting technologies, such as data hygiene, automation and AI/machine learning.

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### **Nomination for DoD's chief management officer heads to the Senate**

The CMO position was created by Congress during a round of recent reforms, and it was elevated to the No. 3 job in the department's chain of command.

### **Senators chastise EPA for changes to records policy**

The Environmental Protection Agency made changes to its policy for processing Freedom of Information Act requests without first going through a public comment period.

### **US attorney general says encryption creates security risk**

Attorney General William Barr's comments at a cybersecurity conference mark a continuing effort by the Justice Department to push tech companies to provide law enforcement with access to encrypted devices and applications during investigations.

### **Esper confirmed as new defense secretary, ending Pentagon leadership uncertainty**

The Pentagon had gone more than 200 days without a permanent leader.

### **Do small businesses lack a voice in the federal marketplace?**

Witnesses told the House Small Business Subcommittee on Contracting and Infrastructure of challenges they faced, as well as opportunities for improvement.

### **IRS missing basic IT security measures**

The federal government's watchdog recommends the Internal Revenue Service implement over 100 old and new recommendations to address a significant deficiency in the agency's control over its reporting systems.

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### Senators chastise EPA for changes to records policy

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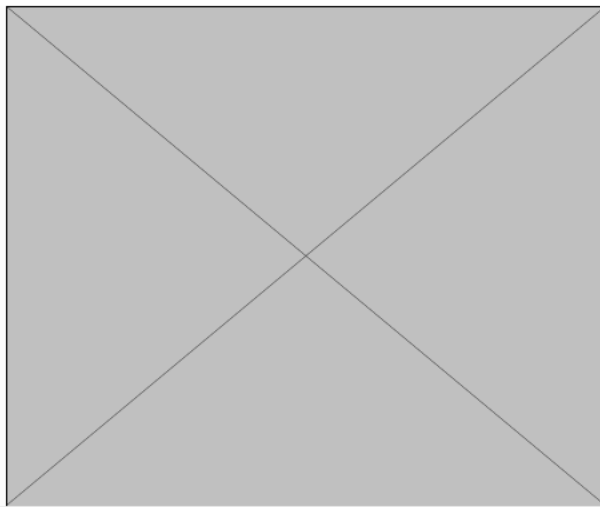
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## IRS missing basic IT security measures

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## Budget deal gives a big funding boost to defense, but Republicans wanted more

The \$738 billion plan for defense spending next year falls short of what some claimed was needed to maintain military might.

## Marine veteran announces congressional run on his 'alive day' anniversary of surviving IED blast

Marine veteran Rob Jones announced Monday that he will for be running for Congress as a Republican in Virginia's 10th Congressional District.

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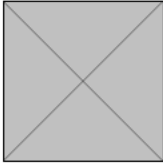
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**From:** team@munchweb.com[team@munchweb.com]  
**Sent:** Sun 7/21/2019 6:24:40 PM (UTC-04:00)  
**Subject:** The 2 Hottest Traffic Trends 2019 (Danger)...



OK it's Sunday so you can read this casually – but it could also mark the turning point in your business; if you've been struggling to get enough traffic to make a profit, up to now.

*(this is a summary extract, taken from the letter I sent you yesterday)*

**Real The Full Letter Here (Worth Your Time If You Struggle With Traffic):**  
<http://go.presscable.net/The100kShoutOut>

## **Traffic = Profit**

Anyone who wants to make a profit online, needs traffic.

And getting enough traffic to make a good profit is hard.

Especially when the 'hot traffic method' changes every few~~years~~ months.

Right now, virtually everyone is doing Facebook Ads.

That's slowly giving way to YouTube Ads.

And while these can be great traffic sources, making some people a lot of money... for every success story, there are about 99 stories of failure, frustration and heartache.

## **He Lost His \$3,000 Bonus On Facebook...**

For example... a very smart guy I know, spent his entire \$3,000 bonus on Facebook Ads (plus a little more).

He built an email list of around 2,000 people.

Can you guess how much he made from that list?

*(this guy writes some amazing emails, btw...)*

I'll tell you in just a second...

## **Why Most People Don't Make Money With Facebook Or YouTube Ads (Or AdWords)...**

Again, I'm not saying it "can't" be done... I'm saying it's rare – and for good reason.

**Here's the struggle most people are facing right now:**

- Their Advertising Accounts Keep Getting Shut Down
- They Can't Get Their Ads Approved
- Winning Campaigns Eventually Dry Up
- "Cost Per Lead" Is Going Through The Roof
- People Are Growing Blind To 'Most' Online Ads
- Profit Margins Are Getting Tighter
- Competition Is Increasing
- Conversion Rates To Sales Are Falling

- You Start From Scratch With Every New Ad Campaign

## What's The Alternative? SEO?

I used to do SEO, I suppose in some way I still do; except I call it "Cerebral SEO" because I realised a long time ago – Google got smart.

It's machine-learning AI algorithm means even Google Insiders don't know how it ranks websites anymore... what we do know, is it responds very well to Omnipresence... or being seen everywhere.

## Meanwhile – With AmpFire...

My students and I are cleaning up – even using an early, less powerful version.

We're driving traffic completely differently to anyone else and I've been developing systems, methods and tools to make it easier.

Now, we've got it to a point an entire promotion, or marketing campaign... which would otherwise take 14 hours – can be done with 6 minutes effort.

Once again, this has never been done before and nobody has had access to this until now (it's still technically 'beta' so if you have it in you, to be an 'early adopted'... today is a good Sunday!)

**Discover How To Get Traffic From Everywhere, Automatically:**  
<http://go.presscable.net/The100kShoutOut>

Thanks,

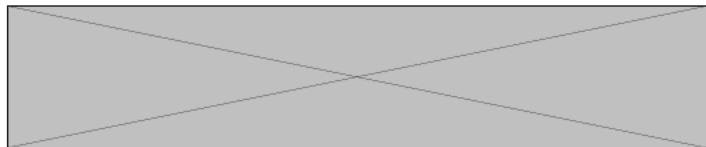
Chris

**P.S.--** Oh, how much did that guy with the 2,000+ name email list make?

One sale.

For \$24.

Since then, he started using my Amplification Method and hit \$107,229.94 in 365 days as a side hustle... only took him about 15 hours TOTAL over the entire year. If that sounds interesting, read that letter before it comes down.



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*munchweb*

Empowering the underdog  
*presscable*

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### ANTITRUST

- Antitrust and High-Tech in the Spotlight: What Does It All Mean?

### CORPORATE & SECURITIES

- Preparing for the End of LIBOR: Contractual, Finance, Derivatives, Disclosure and Other Considerations

### CYBERSECURITY

- Using the SAFETY Act to Demonstrate "Reasonable" Cybersecurity Plans to Regulators

### EMPLOYMENT

- OSHA Basics: What You Need to Know to Handle an OSHA Case

### ETHICS

- Ethics in the Age of the 24-Hour News Cycle

### INSURANCE

- Insurance Coverage for Revived Claims Under the NY Child Victims Act

## On-Demand Briefings

Advocacy for Women Survivors of Military Sexual Trauma: VA Benefits and Cultural Competency

Basics of the Federal Election Campaign Act 2019

The Biometric Breakdown: Collection, Sharing, Protection, and Risk of Biometric Information

Cannabis Lawyering: Risks and Ethical Considerations

Carve-Out Transactions: Practical Tips for Successfully Navigating Key Pitfalls

Civility Matters – New York State Bar Association Adopts Amended Civility Standards

Cut from a Different Cloth: Employment Issues Tailored to the Fashion Industry

Environmental Justice: Assisting Rural Communities

Estate Planning for Social Media Influencers

Foundations of a Professional Persona: What New (and Not-So-New) Attorneys Need to Know

Implications of Political Activity by Your Company, Its Executives

## INTERNATIONAL LAW

- International Sanctions Law – Recent Developments from a U.S. and EU Perspective

## LITIGATION

- Confidentiality in Arbitration

## PATENT

- The Evolving Patent Eligibility of Life Sciences Method Claims

## PRIVACY

- Privacy and Data Security Developments: Latin America

## PRO BONO

- New York, New York: Highlights of the 2019 Bail Reform Law

## PROFESSIONAL DEVELOPMENT

- Collaboration: Breaking Down Silos to Foster Business
- Conflict Resolution for Lawyers: How to Break Through (Seemingly) Intractable Deadlocks
- Fearless Feedback: Developing Your High Performance Team
- Introduction to Information Governance for In-House Counsel

## REAL ESTATE

- Real/Hard Asset Funds: Real Estate and Infrastructure

and Employees

Improve Your Organization's Compliance Program Using Regulatory Enforcement Actions

Medicaid Work Requirements – Law and Litigation Update

Navigating the Ethics of Litigation Finance

The New Engine Room: How Direct Lending Has Changed the Finance Landscape

Swap Dealer Conduct Risk

Top Questions You Should Ask Before Choosing a Mediator for Your Case

Trends and Changes in the Non-Traded REIT Space

White Collar Investigations Impacting Corporate Executives – Key Developments



## International Sanctions Law – Recent Developments from a U.S. and EU Perspective

With developments occurring in international markets, sanctions laws have quickly evolved as tensions between the United States, Iran, and Venezuela have greatly changed the sanctions landscape. Similar developments have occurred with respect to sanctions issued by the EU, Her Majesty's Treasury and the United Nations. Never has it been more complicated to comply with international sanctions law and to keep abreast of developments. This session will provide a brief overview of sanctions law generally, along with an update of current developments, enforcement, and compliance. In addition, expert faculty will cover developments with regard to the Helms-Burton Act and implications for doing business in Cuba, including the litigation risks.

**Date:**

September 4

**Faculty:**

**Stephen Gentle**

Simmons & Simmons LLP

**Andrew S. Jacobson**

Seward & Kissel LLP

**Bruce G. Paulsen**

Seward & Kissel LLP

**Cherie Spinks**

Simmons & Simmons LLP

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## The Evolving Patent Eligibility of Life Sciences Method Claims

When coupled with decisions in *Vanda Pharmaceuticals v. West-Ward Pharmaceuticals* and *Roche Molecular Systems v. Cepheid* last year, the Federal Circuit's recent decisions in *Cleveland Clinic Foundation v. True Health Diagnostics*, *Endo Pharmaceuticals v. Teva Pharmaceuticals*, *Natural Alternatives International v. Creative Compounds*, and *Athena Diagnostics v. Mayo Collaborative Services* suggest that the court has drawn a distinction between diagnostic method claims and method of treatment claims. In particular, diagnostic method claims appear to be almost per se patent ineligible, while method of treatment claims have been found by the Federal Circuit to be patent eligible in some cases. This distinction between diagnostic method claims and method of treatment claims was further highlighted by the Federal Circuit's recent order denying rehearing *en banc* in *Athena Diagnostics v. Mayo Collaborative Services*, which was accompanied by eight opinions, four concurring in the denial of the petition for rehearing *en banc* and four dissenting in the denial of the petition. When the court's decisions are considered in the context of the U.S. Patent and Trademark Office's May 2016 subject matter guidance update – and, in particular, Example 29 of the update – practitioners are starting to get a better idea of how to best obtain life sciences method claims. However, since the Supreme Court is currently entertaining a petition for *certiorari* in the *Vanda Pharmaceuticals* case, and has invited the Solicitor General to file a brief in this case expressing the views of the United States, there may be more change coming with respect to the patent eligibility of life sciences method claims.

**Date:**

September 9

11-12pm ET

**Moderator:**

**Donald L. Zuhn, Jr.,**

**Ph.D.**

McDonnell Boehnen

Hulbert & Berghoff LLP

**Faculty:**

**Brian A. Cocca, Ph.D.**

Regeneron

Pharmaceuticals, Inc.

**June E. Cohan**

United States Patent and

Trademark Office

**Sarah E. Fendrick, Ph.D.**

McDonnell Boehnen

Hulbert & Berghoff LLP

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## Antitrust and High-Tech in the Spotlight: What Does It All Mean?

Antitrust has become a political hot topic, entering the public consciousness unlike anything that has been seen in decades, both in the U.S. and globally. Antitrust experts will discuss antitrust enforcement in this political election climate; provide an overview of the political environment, including investigations by Congressional committees, the DOJ, and the FTC's "Tech Task Force"; review high-profile recent enforcement actions by the DOJ and FTC; address big data and the intersection of privacy and competition law; discuss two-sided markets after the Supreme Court's *Amex* decision; and consider splits in enforcement between the DOJ and FTC, and splits in enforcement within the FTC.

**Date:**  
September 9

**Faculty:**  
**Megan Browdie**  
Cooley LLP  
**M. Howard Morse**  
Cooley LLP

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## OSHA Basics: What You Need to Know to Handle an OSHA Case

Somewhat surprisingly, the number of OSHA inspections has increased under the Trump administration while penalties also continue to climb. Currently, the maximum penalty for a serious and other-than-serious citation is \$13,260 while the highest amount that can be issued for a repeat or willful violation is \$132,598. It is also common for OSHA to issue multiple citations following an audit so total penalty assessment can be significant. How an employer handles an OSHA audit plays an important role to help ensure that OSHA does not overreach during an inspection, and whether a business decides to settle or contest citations turns on many factors that may need to be considered on both legal and operational levels. For attorneys involved in OSHA cases, it is important to understand the audit and contest process, strategic settlement considerations and timely OSHA issues facing employers.

**Date:**  
September 10

**Faculty:**  
**John S. Ho**  
Cozen O'Connor

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## Insurance Coverage for Revived Claims Under the NY Child Victims Act

Influenced by horrific widely publicized incidents of sexual abuse, such as the ongoing Catholic Church scandal, and Larry Nasser's widespread abuse of gymnasts, many states are revisiting how sexual abuse claims are handled in court. New York's recently enacted Child Victims Act is a prime example. The Child Victims Act revives claims for childhood sexual abuse or molestation that might otherwise be barred by statutes of limitation. Among other things, the Act creates a one-year window for claimants to file claims against their alleged abusers. That window for claims just opened, on August 14, 2019, and closes on August 14, 2020. Pretty much any organization that works with children may be subject to liability. Although insurance typically covers revived sexual abuse claims under the NY Child Victims Act and similar laws, insurance carriers don't always see it this way. This discussion outlines the most important things that defense counsel, and anyone else dealing with sexual abuse claims, need to know in order to secure coverage.

**Date:**  
September 11

**Faculty:**  
**Mark E. Miller**  
Miller Friel, PLLC

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## Real/Hard Asset Funds: Real Estate and Infrastructure

This Briefing will help you understand key aspects of real asset funds. It will focus on typical structures and terms, as well as relevant tax, regulatory and operational considerations in the formation of a real asset fund, among other things. Expert faculty will address typical structures in real estate and infrastructure funds; the advantages and disadvantages of closed-ended vs. open-ended structures; tax, regulatory and operational considerations; and typical economic terms.

**Date:**  
September 12

**Faculty:**  
**Harris B. Freidus**  
Paul, Weiss, Rifkind,  
Wharton & Garrison LLP  
**Udi Grofman**  
Paul, Weiss, Rifkind,  
Wharton & Garrison LLP  
**David W. Mayo**  
Paul, Weiss, Rifkind,  
Wharton & Garrison LLP

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## Collaboration: Breaking Down Silos to Foster Business

Why is it that while some law firms foster a trusting work environment where innovation, collegiality and profitability thrive, others house an atmosphere of internal competition and fortified silos? Expert faculty will discuss how law firms can improve their culture of collaboration in order to improve

**Date:**  
September 13

**Faculty:**  
**Deborah Brightman**

their operations, their client development and their revenue. Topics include: what collaboration is and why it makes a difference in an organization; how collaboration has worked, both between lawyers and between professional staff; how collaboration plays a role in developing business; impediments to collaboration and what leaders can do to foster collaboration; steps a single practitioner can take to improve collaboration in their own team setting; and how to engage people in a culture of collaboration.

Participants in this One-Hour Briefing are entitled to a 35% discount on the price of PLI's [Best Practices in Law Firm Business Development and Marketing \(2019\)](#). Simply enter discount code **OHB9 BP913** into both priority code boxes in your cart prior to check-out.

**Farone**  
Farone Advisors LLC  
**Dr. Heidi K. Gardner**  
Harvard Law School

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## New York, New York: Highlights of the 2019 Bail Reform Law

In April 2019, New York passed legislation on bail reform to update a set of state pretrial laws that had remained largely untouched since 1971. Compared to bail reform efforts in New Jersey and California, New York's new bail law received relatively little media coverage or national press, as it didn't go as far as originally promised to eliminate money bail entirely. Yet the relative lack of fanfare over the passage of New York's new bail law belies its historic and transformative potential to end mass incarceration at the local level. If implemented effectively, a conservative estimate of the legislation's impact suggests that New York can expect at least a 40% reduction overall in the state's pretrial jail population. Expert faculty will discuss the key provisions of New York's new bail law; opportunities and challenges with implementation; and the potential of this new law to inspire transformative bail reform elsewhere.

**Date:**  
September 13  
**3pm ET**

**Faculty:**  
**Insha Rahman**  
Vera Institute of Justice

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## Fearless Feedback: Developing Your High Performance Team

As a leader, sharing developmental feedback is an obligation, not a luxury. But far too many people avoid feedback conversations. Learn how to overcome the three most common barriers to feedback, including the threat perception. This session will help you use feedback as a powerful driver to help people across your organization thrive. Experts will help you: master feedback conversations using eight proven success principles; learn how to build feedback loops to normalize feedback across your culture; and encourage people to welcome feedback as a crucial development tool.

**Date:**  
September 17

**Faculty:**  
**Lenora Ausbon-Odom**  
DLA Piper  
**Ann Gomez**  
Clear Concept Inc.

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## Preparing for the End of LIBOR: Contractual, Finance, Derivatives, Disclosure and Other Considerations

Regulators are putting more focus on the urgency needed from market participants to ensure a smooth transition from LIBOR, which is likely to phase out by 2021. Join expert faculty for an overview of the latest from the Alternative Reference Rates Committee (ARRC), a group of private-market participants convened to help ensure a successful transition from LIBOR for floating rate notes, syndicated business loans, bilateral business loans and securitizations, the current guidance from ISDA relating to hedging arrangements, the SEC on disclosure and other updates on the status of the transition. In addition to an overview of these and other topics, faculty will provide practical tips and takeaways on how to: identify the key transition risks facing your company or clients; mitigate these risks; effectively prepare your company and stakeholders; and evaluate any need for disclosures.

**Date:**  
September 18

**Faculty:**  
**Lillian Brown**  
Wilmer Cutler Pickering  
Hale and Dorr LLP  
**Chalyse Robinson**  
Wilmer Cutler Pickering  
Hale and Dorr LLP  
**Dino Wu**  
Wilmer Cutler Pickering  
Hale and Dorr LLP

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## Using the SAFETY Act to Demonstrate "Reasonable" Cybersecurity Plans to Regulators

As more states impose cybersecurity obligations on businesses, companies are facing the increasingly difficult task of trying to demonstrate that their security programs and policies are "reasonable." Compounding that challenge is the fact that regulators often provide little to no guidance on what exactly would constitute a "reasonable" or otherwise appropriate cybersecurity program. In lieu of specific guidance, one approach regulated entities could take is having their cybersecurity programs and policies evaluated under the SAFETY Act, a liability management program administered by the U.S. Department of Homeland Security. Under the SAFETY Act, DHS will review cybersecurity policies and procedures to determine if they are "effective" and "useful" in deterring, defeating, responding to, or otherwise mitigating the threats posed by cyberattacks. Successfully moving through a SAFETY Act review would thus not only give companies affirmative defenses that can be used to minimize or eliminate civil liability, but would also provide them with a very strong factual argument that DHS has found the security programs and policies in question to be "reasonable," and thus so should other regulators. Learn

**Date:**  
September 19

**Faculty:**  
**Brian E. Finch**  
Pillsbury Winthrop Shaw  
Pittman LLP  
**Cassie Lentchner**  
Pillsbury Winthrop Shaw  
Pittman LLP

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what types of cybersecurity programs and policies are eligible for review under the SAFETY Act, and how the SAFETY Act can be used to demonstrate compliance with regulations such as the NY DFS cybersecurity regulation, the NY SHIELD Act, and the CCPA.

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## Ethics in the Age of the 24-Hour News Cycle

In today's ubiquitous and intrusive media environment, nothing is "off the record." A client is often found culpable in the court of public opinion long before there have been any decisions in a court. The need to represent your client *outside* of the courtroom, especially when your client is being convicted there, requires specialized advocacy skills. Expert faculty will address the ethical concerns in dealing with publicity and attendant social media coverage while representing your client well, by using an actual scenario from a high-profile case to illustrate the many parties and platforms that may sway the court of public opinion and ultimately affect your client's position inside the courtroom. Faculty will also discuss the Rules of Professional Conduct that prescribe a lawyer's professional responsibilities regarding competence, communication and trial publicity on the part of both the attorney *and* commentators, many of whom are lawyers; and review guidance for lawyers and commentators put forth by the American College of Trial Lawyers and the National Association of Criminal Defense Lawyers.

**Date:**  
September 20

**Faculty:**  
**Andrea D. Lyon**  
Lyon Law

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## Privacy and Data Security Developments: Latin America

More than 22 countries in Latin America have adopted data protection laws. In addition, several countries with established laws are in the processes of revising their laws. Expert faculty will talk about the changes, the trends and new developments in privacy and data security in Latin America. The discussion will include: new developments in Brazil; Argentina's proposed changes; and new laws that have recently been enacted.

**Date:**  
September 24

**Faculty:**  
**Laura Juanes Micas**  
Facebook Inc.  
**Miriam H. Wugmeister**  
Morrison & Foerster LLP

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## Conflict Resolution for Lawyers: How to Break Through (Seemingly) Intractable Deadlocks

Most lawyers have heard the quote by Carl Sandburg: "If the facts are against you, argue the law. If the law is against you, argue the facts. If the law and the facts are against you, pound the table and yell like hell." As attorneys, we often find ourselves in conflicts that seem to bear no connection to the law or the facts, where the sides are so entrenched and the arguments so repetitive that there seems to be no way to break the logjam. These conflicts can arise in litigation or dealmaking, where we expect two opposing sides, but they can also arise in other areas of our legal careers, such as in managing case teams and clients. Expert faculty will break down the causes of intractable conflicts and provide practical advice for reaching an agreement.

**Date:**  
September 25

**Faculty:**  
**Ben Sachs**  
University of Virginia  
School of Law

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## Introduction to Information Governance for In-House Counsel

Utilizing real-world examples and case studies, this Briefing will present, in lay terms, an overview of information governance – what it is and why organizations are developing these programs. Expert faculty will discuss strategies and approaches to creating an information governance program; address the who, what, and how of information governance; review different components of information governance, including records management and privacy; and identify the business benefits that an organization can expect.

**Date:**  
September 26

**Faculty:**  
**Mark Diamond**  
Contoural, Inc.  
**Thomas L. Mighell**  
Contoural, Inc.

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## Confidentiality in Arbitration

One of the most important aspects of commercial arbitration is the privacy and potential confidentiality of the process and the outcome. But the scope and the relationship of privacy and confidentiality are not well understood and often conflated. On the employment and consumer front, arbitration has been the subject of great attention in federal and state courts, including the U.S. Supreme Court, and federal and state legislatures. The focus of the #MeToo movement has

**Date:**  
September 26  
**3pm ET**

**Faculty:**  
**Laura A. Kaster**  
Appropriate Dispute  
Solutions



altered the calculus and concerns about repeat players, transparency and confidentiality, especially when charges of sexual harassment are at issue. Expert faculty will provide critical information regarding the actual scope of confidentiality and privacy, and also discuss whether greater transparency would advance the public interest or decrease the public challenge to arbitration.

**David C. Singer**  
Arbitration & Mediation

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**To:** all@lists.fluids.ac.uk[all@lists.fluids.ac.uk]  
**From:** All[all-bounces@lists.fluids.ac.uk]  
**Sent:** Thur 8/15/2019 9:20:30 AM (UTC-04:00)  
**Subject:** [All] UKFN bulletin, w/e 15/8/19  
[ATT00001.txt](#)

## **UKFN weekly round-up 15/8/19**

If you would like to circulate a brief message to the UKFN mailing list, please send it to [info@fluids.ac.uk](mailto:info@fluids.ac.uk) by Thursday noon.

### **A. UKFN MESSAGES**

**From:** Nick Daish, 15/8/19  
**Subject:** SIGs - 3rd call for proposals

The UKFN Executive Committee has agreed to fund two additional Special Interest Groups. They must be distinct from the SIGs that have been funded to date (see <https://fluids.ac.uk/sig>).

Each successful SIG will be allocated £2,000, to be used to fund a Kick-off meeting. Please note funding is through reimbursement of the meeting costs, rather than an up-front payment: the meeting host pays, and then invoices UKFN for reimbursement afterwards. Eligible expenses are:

- Venue hire
- Catering
- Accommodation
- Travel

**The meeting must have been completed by 31 January 2020**, and the invoice for reimbursement received by 15 February 2020.

Applications should consist of a proposal using the template below, and should be emailed to [sig@fluids.ac.uk](mailto:sig@fluids.ac.uk) by **Friday 20 September 2019**. The results will be announced by 30 September 2019, and the SIGs chosen will formally start on 1 October 2019.

Please send any questions to [sig@fluids.ac.uk](mailto:sig@fluids.ac.uk).

#### **Proposal format**

1. SIG title
2. Description of SIG (up to 300 words, excluding titles):
  - a. Subject and scope
  - b. Objectives
3. Proposed members

Please list the researchers who will participate, their affiliation, and their broad area of expertise. At least three academic institutions should take part. For SIGs with industrial involvement, we would suggest typically three participants from industry. Please nominate a SIG leader, who will be the point of contact with UKFN, and a co-leader from a different organization.

4. Contact details

Please give the name, affiliation (institution and department) and email address of the proposed leader and co-leader.

### **B. MEMBER MESSAGES**

## EVENTS:

**From:** Manousos Valyrakis, University of Glasgow, 9/8/19

**Subject:** Special session at River Flow 2020: 'Instrumentation in river engineering and monitoring of geomorphic processes'

Date: 7-9 July 2020

Location: Delft, The Netherlands

Links: <https://riverflow2020.org/special-sessions/#SS7> (session) & <https://riverflow2020.org/abstract-submission/#.XVK8uuhKiUI> (abstracts)

Abstract submission closes 12 September 2019.

**From:** Miguel Alfonso Mendez & Jean-Marie Buchlin, von Karman Institute, 9/8/19

**Subject:** Course - Machine Learning for Fluid Mechanics: Analysis, Modeling, Control and Closures

Date: 24-28 February 2020

Location: von Karman Institute for Fluid Dynamics, Sint-Genesius-Rode (near Brussels), Belgium

Links: <https://tinyurl.com/course-vki-mach-learn-fm>

Early bird registration closes 1 November 2019.

**From:** George Papadakis & Stelios Rigopoulos, Imperial College London, 12/8/19

**Subject:** IChemE 1-day meeting 'Mixing and Crystallisation'

Date: 20 September 2019

Location: City and Guilds Building (CAGB) 309, Department of Aeronautics, ICL

Details: <https://www.icheme.org/mixing-crystallisation>

**From:** Neil Ashton, University of Oxford, 12/8/19

**Subject:** 1st Automotive CFD Prediction Workshop

Date: 11-12 December 2019

Location: St. Anne's College, University of Oxford

Details: <http://autocfd.eng.ox.ac.uk/>

**From:** Raphael Stuhlmeier, University of Plymouth, 15/8/19

**Subject:** Meeting - 'Water Waves - Mathematical Theory and Applications'

Date: 5-6 September 2019

Location: University of Plymouth

Details: <https://rstuhlmeier.github.io/conferences/workshop.html>

Registration is free.

## JOBS:

**From:** Konstantina Vogiatzaki, University of Brighton, 9/8/19

**Subject:** PhD at Advanced Engineering Centre & Clinical Imaging Sciences Center/Brighton and Sussex Centre for Global Health Research

Topic: 'A novel pulmonary fluid dynamics tool for early diagnosis of tuberculosis'

Details: <https://tinyurl.com/phd-brighton-pul-fd>

Closing date: 30 August 2019

**From:** Timm Krüger, University of Edinburgh, 9/8/19

**Subject:** PDRA in School of Engineering

Topic: 'Inertial microfluidics modelling'

Details: <https://tinyurl.com/pdra-edin-krueg-microf>

Closing date: 9 September 2019

'Seeking numerical person who has fluids modelling experience and is interested in particle microfluidics.'

**From:** Benoit Scheid, Université Libre de Bruxelles (ULB), 9/8/19

**Subject:** Research Assistant at RWTH Aachen University, in close cooperation with ULB

Topic: 'Falling liquid films'

Details: <https://tinyurl.com/pdra-aachen-fall-films>

Closing date: 15 October 2019

**From:** Chris MacMinn, University of Oxford, 12/8/19

**Subject:** 2 PDRAs in Department of Engineering Science

Topic: 'Frictional flow patterns (modelling)'

Details: <https://tinyurl.com/pdra-ox-fric-flow>

Closing date: 4 September 2019

Topic: 'Flow through soft porous media (experiments)'

Details: <https://tinyurl.com/pdra-ox-por-flow>

Closing date: 5 September 2019

**From:** Xuerui Mao, University of Nottingham, 13/8/19

**Subject:** Research Fellow (fixed term) in Faculty of Engineering

Topic: 'CFD & flow control'

Details: <https://tinyurl.com/rf-nott-cfd-ctrl>

Closing date: 12 September 2019

**From:** Julien Landel, University of Manchester, 2/8/19

**Subject:** 3.5-year funded PhD position in School of Mathematics with industrial partner

Topic: 'Modelling of cleaning and decontamination problems on porous and absorbent substrates'

Details: <https://tinyurl.com/y223dwbg>

Closing date: January 2020

**From:** Neil Sandham, University of Southampton, 13/8/19

**Subject:** Postdoctoral Research Fellow in Aerodynamics

Topic: Transonic wing buffet

Details: <https://www.jobs.ac.uk/job/BTR419/research-fellow-in-aerodynamics>

Closing date: 29 August 2019

**To:** James, Letitia [REDACTED]  
**From:** PLI[admin@info.pli.edu]  
**Sent:** Sun 8/11/2019 1:05:44 PM (UTC-04:00)  
**Subject:** PLI's Upcoming One-Hour Briefings

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# One-Hour Briefings

## Just Scheduled: Hot-Topic Briefing!

New York's SHIELD Act: Protecting Consumer Privacy in the Empire State

August 13

### Upcoming Briefings

**ANTITRUST**

- Antitrust and High-Tech in the Spotlight: What Does It All Mean?

**EMPLOYMENT**

- OSHA Basics: What You Need to Know to Handle an OSHA Case

**ETHICS**

- Dealing with Social Media: What Are the Ethical Guideposts?

**INSURANCE**

- Insurance Coverage for Revived Claims Under the NY Child Victims Act

**INTERNATIONAL LAW**

- International Sanctions Law – Recent Developments from a U.S. and EU Perspective

### On-Demand Briefings

Effective Communications Strategies for Attorneys: Messaging to Manage Media Relations and Protect Reputation

Foundations of a Professional Persona: What New (and Not-So-New) Attorneys Need to Know

Generating, Filing, Retaining and Executing Electronic HR Documents – Complying with Employee Records Laws and Electronic Signature Protocols Worldwide

New York State's Newly Enacted Criminal Discovery Rules: Changes You Need to Know Before 2020

Private Litigation in the Blockchain Era

Products Liability: Managing Potential Exposure on Multiple Fronts

Records Retention: Creating a Modern, Compliant and Easier-to-Execute Schedule for In-House Counsel

Review Your SEC/FINRA Pay-to-Play Compliance Program

## PATENT

- The Evolving Patent Eligibility of Life Sciences Method Claims

## PRO BONO

- New York, New York: Highlights of the 2019 Bail Reform Law

## PROFESSIONAL DEVELOPMENT

- Collaboration: Breaking Down Silos to Foster Business

## REAL ESTATE

- Real/Hard Asset Funds: Real Estate and Infrastructure

## TAX

- New Excess Business Loss Limitations for Non-Corporate Taxpayers: More Losses, More Problems

Before the 2020 Elections

Swap Dealer Conduct Risk

Trademark Injunctions: Update

U.S. Political Activities by  
Multinational Corporations

White Collar Investigations  
Impacting Corporate Executives –  
Key Developments

## Dealing with Social Media: What Are the Ethical Guideposts?

Social media is now a common feature of an attorney's practice. Social media also raises various ethical concerns that attorneys should appreciate and be prepared to address. This Briefing will use the newly revised Social Media Ethics Guidelines of the New York State Bar Association to focus on some of these concerns and to suggest best practices for attorneys as they deal with social media. Expert faculty will discuss what attorneys should know to be competent to use social media; what attorneys should and should not do as they use social media to advertise and solicit business; what attorneys can and cannot do to respond to online criticism; what attorneys can do to investigate parties, witnesses, and prospective jurors; and what might happen when an attorney "friends" a judge.

### Date:

August 12

### Faculty:

**Gail Gottehrer**

Law Office of  
Gail Gottehrer LLC  
**Ronald J. Hedges**  
Dentons US LLP

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## New York's SHIELD Act: Protecting Consumer Privacy in the Empire State

New York has just enacted two laws intended to protect consumers and to impose new obligations on businesses that handle consumer data. These laws, together with the recently enacted California Consumer Privacy Act (CCPA) and European Union's General Data Protection Regulation (GDPR), will change the landscape of data privacy. This Briefing will introduce the SHIELD Act and its companion statute, explain who and what will be impacted by both laws, and consider how the New York laws might interact with the CCPA and the GDPR. Expert faculty will address the scope of the New York laws; penalties under the New York laws; enforcement of the New York laws; and comparisons with the GDPR and the CCPA.

**Date:**

August 13

**Faculty:**

**Gail Gottehrer**

Law Office of

Gail Gottehrer LLC

**Ronald J. Hedges**

Dentons US LLP

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## New Excess Business Loss Limitations for Non-Corporate Taxpayers: More Losses, More Problems

The Tax Cuts and Jobs Act of 2017 enacted new excess business loss (EBL) limitation rules for individuals and other non-corporate taxpayers in 2018 through 2025. For a tax provision that was projected to raise \$150 billion in federal revenues over a decade (more than GILTI, BEAT, or all the fringe benefit changes combined), the EBL rules have not received a significant amount of attention from commentators or the IRS and Treasury. The result of the limitation is that business deductions and losses may offset only up to \$500,000 of investment income and other non-business income. Major questions have arisen over whether various tax items are business or non-business for this purpose, such as wages and salaries, gain on the sale of partnership interests or S corporation stock, the section 199A pass-through business income deduction, and (ironically) certain losses from the disposition of business property. The statute provides that unused EBLs are carried forward as a net operating loss, but there continues to be uncertainty and debate over how to apply the carryover rules in 2019 and later.

**Date:**

August 15

**Faculty:**

**Libin Zhang**

Fried, Frank, Harris,

Shriver & Jacobson LLP

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## International Sanctions Law – Recent Developments from a U.S.

## and EU Perspective

With developments occurring in international markets, sanctions laws have quickly evolved as tensions between the United States, Iran, and Venezuela have greatly changed the sanctions landscape. Similar developments have occurred with respect to sanctions issued by the EU, Her Majesty's Treasury and the United Nations. Never has it been more complicated to comply with international sanctions law and to keep abreast of developments. This session will provide a brief overview of sanctions law generally, along with an update of current developments, enforcement, and compliance. In addition, expert faculty will cover developments with regard to the Helms-Burton Act and implications for doing business in Cuba, including the litigation risks.

**Date:**

September 4

**Faculty:**

**Andrew S. Jacobson**

Seward & Kissel LLP

**Bruce G. Paulsen**

Seward & Kissel LLP

**Cherie Spinks**

Simmons & Simmons LLP

**Alexandra Webster**

Simmons & Simmons LLP

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## The Evolving Patent Eligibility of Life Sciences Method Claims

When coupled with decisions in *Vanda Pharmaceuticals v. West-Ward Pharmaceuticals* and *Roche Molecular Systems v. Cepheid* last year, the Federal Circuit's recent decisions in *Cleveland Clinic Foundation v. True Health Diagnostics*, *Endo Pharmaceuticals v. Teva Pharmaceuticals*, *Natural Alternatives International v. Creative Compounds*, and *Athena Diagnostics v. Mayo Collaborative Services* suggest that the court has drawn a distinction between diagnostic method claims and method of treatment claims. In particular, diagnostic method claims appear to be almost per se patent ineligible, while method of treatment claims have been found by the Federal Circuit to be patent eligible in some cases. This distinction between diagnostic method claims and method of treatment claims was further highlighted by the Federal Circuit's recent order denying rehearing *en banc* in *Athena Diagnostics v. Mayo Collaborative Services*, which was accompanied by eight opinions, four concurring in the denial of the petition for rehearing *en banc* and four dissenting in the denial of the petition. When the court's decisions are considered in the context of the U.S. Patent and Trademark Office's May 2016 subject matter guidance update – and, in particular, Example 29 of the update – practitioners are starting to get a better idea of how to best obtain life sciences method claims. However, since the Supreme Court is currently entertaining a petition for *certiorari* in the *Vanda Pharmaceuticals* case, and has invited the Solicitor General to file a brief in this case expressing the views of the United States, there may be more change coming with respect to the patent eligibility of life sciences method claims.

**Date:**

September 9

11-12pm ET

**Moderator:**

**Donald L. Zuhn, Jr.,**

**Ph.D.**

McDonnell Boehnen

Hulbert & Berghoff LLP

**Faculty:**

**Brian A. Cocca, Ph.D.**

Regeneron

Pharmaceuticals, Inc.

**June E. Cohan**

United States Patent and

Trademark Office

**Sarah E. Fendrick, Ph.D.**

McDonnell Boehnen

Hulbert & Berghoff LLP

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## Antitrust and High-Tech in the Spotlight: What Does It All Mean?

Antitrust has become a political hot topic, entering the public consciousness unlike anything that has been seen in decades, both in the U.S. and globally. Antitrust experts will discuss antitrust enforcement in this political election climate; provide an overview of the political environment, including investigations by Congressional committees, the DOJ, and the FTC's "Tech Task Force"; review high profile recent enforcement actions by the DOJ and FTC; address big data and the intersection of privacy and competition law; discuss two-sided markets after the Supreme Court's *Amex* decision; and consider splits in enforcement between the DOJ and FTC, and splits in enforcement within the FTC.

**Date:**  
September 9

**Faculty:**  
**Megan Browdie**  
Cooley LLP  
**M. Howard Morse**  
Cooley LLP

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## OSHA Basics: What You Need to Know to Handle an OSHA Case

Somewhat surprisingly, the number of OSHA inspections has increased under the Trump administration while penalties also continue to climb. Currently, the maximum penalty for a serious and other-than-serious citation is \$13,260 while the highest amount that can be issued for a repeat or willful violation is \$132,598. It is also common for OSHA to issue multiple citations following an audit so total penalty assessment can be significant. How an employer handles an OSHA audit plays an important role to help ensure that OSHA does not overreach during an inspection, and whether a business decides to settle or contest citations turns on many factors that may need to be considered on both legal and operational levels. For attorneys involved in OSHA cases, it is important to understand the audit and contest process, strategic settlement considerations and timely OSHA issues facing employers.

**Date:**  
September 10

**Faculty:**  
**John S. Ho**  
Cozen O'Connor

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## Insurance Coverage for Revived Claims Under the NY Child Victims Act

Influenced by horrific widely publicized incidents of sexual abuse, such as the ongoing Catholic Church scandal, and Larry Nasser's widespread abuse of gymnasts, many states

**Date:**  
September 11



are revisiting how sexual abuse claims are handled in court. New York's recently enacted Child Victims Act is a prime example. The Child Victims Act revives claims for childhood sexual abuse or molestation that might otherwise be barred by statutes of limitation. Among other things, the Act creates a one-year window for claimants to file claims against their alleged abusers. That window for claims just opened, on August 14, 2019, and closes on August 14, 2020. Pretty much any organization that works with children may be subject to liability. Although insurance typically covers revived sexual abuse claims under the NY Child Victims Act and similar laws, insurance carriers don't always see it this way. This discussion outlines the most important things that defense counsel, and anyone else dealing with sexual abuse claims, need to know in order to secure coverage.

**Faculty:**  
**Mark E. Miller**  
Miller Friel, PLLC

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## Real/Hard Asset Funds: Real Estate and Infrastructure

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**Date:**  
September 12

**Faculty:**  
**Harris B. Freidus**  
Paul, Weiss, Rifkind,  
Wharton & Garrison LLP  
**Udi Grofman**  
Paul, Weiss, Rifkind,  
Wharton & Garrison LLP  
**David W. Mayo**  
Paul, Weiss, Rifkind,  
Wharton & Garrison LLP

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## Collaboration: Breaking Down Silos to Foster Business

Why is it that while some law firms foster a trusting work environment where innovation, collegiality and profitability thrive, others house an atmosphere of internal competition and fortified silos? Expert faculty will discuss how law firms can improve their culture of collaboration in order to improve their operations, their client development and their revenue. Topics include: what collaboration is and why it makes a difference in an organization; how collaboration has worked,

**Date:**  
September 13

**Faculty:**  
**Deborah Brightman**  
**Farone**  
Farone Advisors LLC  
**Dr. Heidi K. Gardner**

both between lawyers and between professional staff; how collaboration plays a role in developing business; impediments to collaboration and what leaders can do to foster collaboration; steps a single practitioner can take to improve collaboration in their own team setting; and how to engage people in a culture of collaboration.

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## New York, New York: Highlights of the 2019 Bail Reform Law

In April 2019, New York passed legislation on bail reform to update a set of state pretrial laws that had remained largely untouched since 1971. Compared to bail reform efforts in New Jersey and California, New York's new bail law received relatively little media coverage or national press, as it didn't go as far as originally promised to eliminate money bail entirely. Yet the relative lack of fanfare over the passage of New York's new bail law belies its historic and transformative potential to end mass incarceration at the local level. If implemented effectively, a conservative estimate of the legislation's impact suggests that New York can expect at least a 40% reduction overall in the state's pretrial jail population. Expert faculty will discuss the key provisions of New York's new bail law; opportunities and challenges with implementation; and the potential of this new law to inspire transformative bail reform elsewhere.

**Date:**

September 13  
3pm ET

**Faculty:**

Insha Rahman  
Vera Institute of Justice

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# One-Hour Briefings

## Upcoming Briefings

### ANTITRUST

- Antitrust and High-Tech in the Spotlight: What Does It All Mean?

### CORPORATE & SECURITIES

- Preparing for the End of LIBOR: Contractual, Finance, Derivatives, Disclosure and Other Considerations

### CYBERSECURITY

- Using the SAFETY Act to Demonstrate "Reasonable" Cybersecurity Plans to Regulators

### EMPLOYMENT

- OSHA Basics: What You Need to Know to Handle an OSHA Case

### ETHICS

- Ethics in the Age of the 24-Hour News Cycle

### INSURANCE

- Insurance Coverage for Revived Claims Under the NY Child Victims Act

## On-Demand Briefings

The Art and Science of Asking Investigative Questions

Beware of the Home DNA Kit!

Electronic Information in Criminal Investigations and Proceedings: Part 1

Expanded Regulation A Exemption

Finding Time: Delegating and Productivity Strategies for Busy Legal Professionals

Foundations of a Professional Persona: What New (and Not-So-New) Attorneys Need to Know

Improve Your Organization's Compliance Program Using Regulatory Enforcement Actions

Learn the Patent Claim Jargon Used by Patent Examiners and Practitioners

Mandatory Arbitration Agreements in the Wake of the #MeToo Movement

More than Moving: How Changing Domicile Properly Can Reduce Taxes

Products Liability: Managing Potential Exposure on Multiple Fronts

## INTERNATIONAL LAW

- International Sanctions Law – Recent Developments from a U.S. and EU Perspective

## PATENT

- The Evolving Patent Eligibility of Life Sciences Method Claims

## PRO BONO

- New York, New York: Highlights of the 2019 Bail Reform Law

## PROFESSIONAL DEVELOPMENT

- Collaboration: Breaking Down Silos to Foster Business
- Fearless Feedback: Developing Your High Performance Team

## REAL ESTATE

- Real/Hard Asset Funds: Real Estate and Infrastructure

Swap Dealer Conduct Risk

Top Questions You Should Ask Before Choosing a Mediator for Your Case

U.S. Political Activities by Multinational Corporations

## International Sanctions Law – Recent Developments from a U.S. and EU Perspective

With developments occurring in international markets, sanctions laws have quickly evolved as tensions between the United States, Iran, and Venezuela have greatly changed the sanctions landscape. Similar developments have occurred with respect to sanctions issued by the EU, Her Majesty's Treasury and the United Nations. Never has it been more complicated to comply with international sanctions law and to keep abreast of developments. This session will provide a brief overview of sanctions law generally, along with an update of current developments, enforcement, and compliance. In addition, expert faculty will cover developments with regard to the Helms-Burton Act and implications for doing business in Cuba, including the litigation risks.

### Date:

September 4

### Faculty:

**Andrew S. Jacobson**

Seward & Kissel LLP

**Bruce G. Paulsen**

Seward & Kissel LLP

**Cherie Spinks**

Simmons & Simmons LLP

**Alexandra Webster**

Simmons & Simmons LLP

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## The Evolving Patent Eligibility of Life Sciences Method Claims

When coupled with decisions in *Vanda Pharmaceuticals v. West-Ward Pharmaceuticals* and *Roche Molecular Systems v. Cepheid* last year, the Federal Circuit's recent decisions in *Cleveland Clinic Foundation v. True Health Diagnostics*, *Endo Pharmaceuticals v. Teva Pharmaceuticals*, *Natural Alternatives International v. Creative Compounds*, and *Athena Diagnostics v. Mayo Collaborative Services* suggest that the court has drawn a distinction between diagnostic method claims and method of treatment claims. In particular, diagnostic method claims appear to be almost per se patent ineligible, while method of treatment claims have been found by the Federal Circuit to be patent eligible in some cases. This distinction between diagnostic method claims and method of treatment claims was further highlighted by the Federal Circuit's recent order denying rehearing *en banc* in *Athena Diagnostics v. Mayo Collaborative Services*, which was accompanied by eight opinions, four concurring in the denial of the petition for rehearing *en banc* and four dissenting in the denial of the petition. When the court's decisions are considered in the context of the U.S. Patent and Trademark Office's May 2016 subject matter guidance update – and, in particular, Example 29 of the update – practitioners are starting to get a better idea of how to best obtain life sciences method claims. However, since the Supreme Court is currently entertaining a petition for *certiorari* in the *Vanda Pharmaceuticals* case, and has invited the Solicitor General to file a brief in this case expressing the views of the United States, there may be more change coming with respect to the patent eligibility of life sciences method claims.

### Date:

September 9  
11-12pm ET

### Moderator:

**Donald L. Zuhn, Jr.,  
Ph.D.**  
McDonnell Boehnen  
Hulbert & Berghoff LLP

### Faculty:

**Brian A. Cocca, Ph.D.**  
Regeneron  
Pharmaceuticals, Inc.  
**June E. Cohan**  
United States Patent and  
Trademark Office  
**Sarah E. Fendrick, Ph.D.**  
McDonnell Boehnen  
Hulbert & Berghoff LLP

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## Antitrust and High-Tech in the Spotlight: What Does It All Mean?

Antitrust has become a political hot topic, entering the public consciousness unlike anything that has been seen in decades, both in the U.S. and globally. Antitrust experts will discuss antitrust enforcement in this political election climate; provide an overview of the political environment, including investigations by Congressional committees, the DOJ, and the FTC's "Tech Task Force"; review high-profile recent enforcement actions by the DOJ and FTC; address big data and the intersection of privacy and competition law; discuss

### Date:

September 9

### Faculty:

**Megan Browdie**  
Cooley LLP  
**M. Howard Morse**  
Cooley LLP

two-sided markets after the Supreme Court's *Amex* decision; and consider splits in enforcement between the DOJ and FTC, and splits in enforcement within the FTC.

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## OSHA Basics: What You Need to Know to Handle an OSHA Case

Somewhat surprisingly, the number of OSHA inspections has increased under the Trump administration while penalties also continue to climb. Currently, the maximum penalty for a serious and other-than-serious citation is \$13,260 while the highest amount that can be issued for a repeat or willful violation is \$132,598. It is also common for OSHA to issue multiple citations following an audit so total penalty assessment can be significant. How an employer handles an OSHA audit plays an important role to help ensure that OSHA does not overreach during an inspection, and whether a business decides to settle or contest citations turns on many factors that may need to be considered on both legal and operational levels. For attorneys involved in OSHA cases, it is important to understand the audit and contest process, strategic settlement considerations and timely OSHA issues facing employers.

**Date:**

September 10

**Faculty:**

**John S. Ho**

Cozen O'Connor

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## Insurance Coverage for Revived Claims Under the NY Child Victims Act

Influenced by horrific widely publicized incidents of sexual abuse, such as the ongoing Catholic Church scandal, and Larry Nasser's widespread abuse of gymnasts, many states are revisiting how sexual abuse claims are handled in court. New York's recently enacted Child Victims Act is a prime example. The Child Victims Act revives claims for childhood sexual abuse or molestation that might otherwise be barred by statutes of limitation. Among other things, the Act creates a one-year window for claimants to file claims against their alleged abusers. That window for claims just opened, on August 14, 2019, and closes on August 14, 2020. Pretty much any organization that works with children may be subject to liability. Although insurance typically covers revived sexual abuse claims under the NY Child Victims Act and similar laws, insurance carriers don't always see it this way. This discussion outlines the most important things that defense counsel, and anyone else dealing with sexual abuse claims, need to know in order to secure coverage.

**Date:**

September 11

**Faculty:**

**Mark E. Miller**

Miller Friel, PLLC

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## Real/Hard Asset Funds: Real Estate and Infrastructure

This Briefing will help you understand key aspects of real asset funds. It will focus on typical structures and terms, as well as relevant tax, regulatory and operational considerations in the formation of a real asset fund, among other things. Expert faculty will address typical structures in real estate and infrastructure funds; the advantages and disadvantages of closed-ended vs. open-ended structures; tax, regulatory and operational considerations; and typical economic terms.

**Date:**

September 12

**Faculty:**

**Harris B. Freidus**

Paul, Weiss, Rifkind,  
Wharton & Garrison LLP

**Udi Grofman**

Paul, Weiss, Rifkind,  
Wharton & Garrison LLP

**David W. Mayo**

Paul, Weiss, Rifkind,  
Wharton & Garrison LLP

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## Collaboration: Breaking Down Silos to Foster Business

Why is it that while some law firms foster a trusting work environment where innovation, collegiality and profitability thrive, others house an atmosphere of internal competition and fortified silos? Expert faculty will discuss how law firms can improve their culture of collaboration in order to improve their operations, their client development and their revenue. Topics include: what collaboration is and why it makes a difference in an organization; how collaboration has worked, both between lawyers and between professional staff; how collaboration plays a role in developing business; impediments to collaboration and what leaders can do to foster collaboration; steps a single practitioner can take to improve collaboration in their own team setting; and how to engage people in a culture of collaboration.

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**Date:**

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**Faculty:**

**Deborah Brightman**

**Farone**

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## New York, New York: Highlights of the 2019 Bail Reform Law

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**Date:**

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**Faculty:**

**Insha Rahman**

Vera Institute of Justice

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## Fearless Feedback: Developing Your High Performance Team

As a leader, sharing developmental feedback is an obligation, not a luxury. But far too many people avoid feedback conversations. Learn how to overcome the three most common barriers to feedback, including the threat perception. This session will help you use feedback as a powerful driver to help people across your organization thrive. Experts will help you: master feedback conversations using eight proven success principles; learn how to build feedback loops to normalize feedback across your culture; and encourage people to welcome feedback as a crucial development tool.

**Date:**

September 17

**Faculty:**

**Lenora Ausbon-Odom**

DLA Piper

**Ann Gomez**

Clear Concept Inc.

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## Preparing for the End of LIBOR: Contractual, Finance, Derivatives, Disclosure and Other Considerations

Regulators are putting more focus on the urgency needed from market participants to ensure a smooth transition from LIBOR, which is likely to phase out by 2021. Join expert faculty for an overview of the latest from the Alternative Reference Rates Committee (ARRC), a group of private-market participants convened to help ensure a successful transition from LIBOR for floating rate notes, syndicated business loans, bilateral business loans and securitizations, the current guidance from ISDA relating to hedging

**Date:**

September 18

**Faculty:**

**Lillian Brown**

Wilmer Cutler Pickering

Hale and Dorr LLP

**Chalyse Robinson**

Wilmer Cutler Pickering



arrangements, the SEC on disclosure and other updates on the status of the transition. In addition to an overview of these and other topics, faculty will provide practical tips and takeaways on how to: identify the key transition risks facing your company or clients; mitigate these risks; effectively prepare your company and stakeholders; and evaluate any need for disclosures.

Hale and Dorr LLP  
**Dino Wu**  
Wilmer Cutler Pickering  
Hale and Dorr LLP

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## Using the SAFETY Act to Demonstrate "Reasonable" Cybersecurity Plans to Regulators

As more states impose cybersecurity obligations on businesses, companies are facing the increasingly difficult task of trying to demonstrate that their security programs and policies are "reasonable." Compounding that challenge is the fact that regulators often provide little to no guidance on what exactly would constitute a "reasonable" or otherwise appropriate cybersecurity program. In lieu of specific guidance, one approach regulated entities could take is having their cybersecurity programs and policies evaluated under the SAFETY Act, a liability management program administered by the U.S. Department of Homeland Security. Under the SAFETY Act, DHS will review cybersecurity policies and procedures to determine if they are "effective" and "useful" in deterring, defeating, responding to, or otherwise mitigating the threats posed by cyberattacks. Successfully moving through a SAFETY Act review would thus not only give companies affirmative defenses that can be used to minimize or eliminate civil liability, but would also provide them with a very strong factual argument that DHS has found the security programs and policies in question to be "reasonable," and thus so should other regulators. Learn what types of cybersecurity programs and policies are eligible for review under the SAFETY Act, and how the SAFETY Act can be used to demonstrate compliance with regulations such as the NY DFS cybersecurity regulation, the NY SHIELD Act, and the CCPA.

**Date:**  
September 19

**Faculty:**  
**Brian E. Finch**  
Pillsbury Winthrop Shaw  
Pittman LLP  
**Cassie Lentchner**  
Pillsbury Winthrop Shaw  
Pittman LLP

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## Ethics in the Age of the 24-Hour News Cycle

In today's ubiquitous and intrusive media environment, nothing is "off the record." A client is often found culpable in the court of public opinion long before there have been any decisions in a court. The need to represent your client *outside* of the courtroom, especially when your client is being

**Date:**  
September 20

**Faculty:**  
**Andrea D. Lyon**

convicted there, requires specialized advocacy skills. Expert faculty will address the ethical concerns in dealing with publicity and attendant social media coverage while representing your client well, by using an actual scenario from a high-profile case to illustrate the many parties and platforms that may sway the court of public opinion and ultimately affect your client's position inside the courtroom. Faculty will also discuss the Rules of Professional Conduct that prescribe a lawyer's professional responsibilities regarding competence, communication and trial publicity on the part of both the attorney *and* commentators, many of whom are lawyers; and review guidance for lawyers and commentators put forth by the American College of Trial Lawyers and the National Association of Criminal Defense Lawyers.

Lyon Law

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## MAP: This Is How Frequently Mass Shootings Happen in the U.S.

Since last weekend's back-to-back gun massacres in El Paso, Texas, and Dayton, Ohio, where 32 people were killed and at least 50 more were injured, there have been five more mass shootings in America.

That's based on a tally from the Gun Violence Archive, a nonpartisan group that attempts to track every incident of gun violence in the country. The group defines a mass shooting as any incident in which four or more people, including the assailant, are injured by gunfire.

As of Aug. 7, GVA had tallied 253 such incidents — resulting in 276 deaths and 1054 injuries — since the start of 2019. That marks a nearly 20% uptick since this date last year and a nearly 65% increase since August 2013.

"We have been staggered by the number of times there have been 10 mass shootings in a weekend [this year]," said Mark Bryant, who founded the GVA. "People are getting angrier. And there's access to higher capacity magazines. The fact that everything is so readily available for combat."

Bryant, himself a gun enthusiast from Kentucky, said his group arrived at its own hard definition of a "mass shooting" after finding that the FBI had no such classification.

"We determined there needed to be something that addressed mass shootings that was not necessarily killing as many people," he said. "When you only look at those killed, a lot of times it ignores the damage of those who have been injured and the cost of that. This is a solid definition. There are no caveats at all."

This [animated map](#) visualizes every mass shooting incident this year to date that the GVA has identified.

**Related coverage:** [Bay Area Student Activists Want to Jump-Start Push for Stronger Gun Laws](#)

## How Hate-Filled Online Groups Incite Violence From the Extreme Corners of the Internet

Mass shootings have become all too common in America, with attacks weekly, if not

daily, now. In the wake of Gilroy, Dayton, Ohio, and El Paso, Texas, it's worth noting that the frequency of these attacks were predicted a year ago by a man who studies hate speech on social media.

Joel Finkelstein, director of Network Contagion Research Institute, said the attacks may seem random, but they're not. "They're not coming out of nowhere," he said.

Finkelstein's institute uses machine learning tools to identify, track and expose hate speech online, drawing from mainstream as well as extremist communities. The typically young, white, male gunmen more often than not reference language seen on platforms like 4chan, 8chan and Gab.

"The rationale is simple: they have proven themselves to be lawless and that lawlessness has caused multiple tragic deaths," Matthew Prince, CEO of Cloudflare, wrote as he announced that the San Francisco-based web infrastructure company terminated its support services for 8chan earlier this week.

8chan has been unreachable since Cloudflare cut its ties. But 4chan, home of the message board Politically Incorrect, is still up and running. Should that platform be taken down, it's not difficult to imagine another entity, perhaps overseas, hosting something like 16chan.

"This isn't state sponsored terror. It's platform sponsored terror," said Finkelstein. "Instead of going deep, indoctrinating people, investing the energy, they're doing like Twitter. They're going wide. People that fall into it, they don't have to come in with a lot of convictions. They just have to be lost, and they have to find meaning in these terrible ideologies."

**Related coverage:** [8chan Owner Heading to U.S. as Lawmakers Seek Answers in Wake of Mass Shootings](#)

## **State Agency Hopeful Chevron's Massive Kern County Spill Is Over**

State regulators say they're cautiously optimistic that a major release of crude oil from a Chevron well in Kern County — an episode that has continued for three months — is over.

Chevron told state officials Wednesday that more than 1.3 million gallons of oil and water has flowed to the surface in the Cymric oil field, 35 miles west of Bakersfield, since May 10. An estimated one-third of that, or 445,130 gallons, is believed to be crude petroleum.

The spill, which Chevron and the state's Division of Oil, Gas and Geothermal Resources describe as a "surface expression," has led to a major cleanup operation near the town of McKittrick.

A state engineering team at the release site says all of the vents associated with the incident "became inactive" late last week, according to Don Drysdale, a spokesman for the California Department of Conservation.

"We're hopeful that the surface expression has ceased but mindful that we need to continue monitoring the situation and looking into the causes of this unusual incident," Drysdale said.

## **San Francisco Fentanyl Deaths Up Nearly 150%**

Deaths from the powerful synthetic opioid fentanyl skyrocketed in San Francisco in 2018, increasing by 147% since the previous year.

That's according to the San Francisco Department of Public Health, which released data this week showing that 89 people died from accidental overdoses of fentanyl last year, compared to 36 fentanyl-related deaths in 2017.

Fentanyl is up to 50 times more powerful than heroin and can be 100 times more potent than morphine. It's often added to other street drugs, and can overwhelm and kill someone with limited tolerance to opioids.

For years, fentanyl had not infiltrated California to the degree it did in the eastern U.S., where the drug has long been responsible for staggering rates of opioid deaths. These new figures, however, show a stark rise in deaths from fentanyl, a significantly larger jump than the city has ever seen.

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## **Want to Feel Happier Today? Try Talking to a Stranger**

**NPR reports:** Many of us tend to do just about anything to avoid conversation or even eye contact with strangers. And smartphones make it easier than ever to do that. A recent study found that phones can keep us from even exchanging brief smiles with people we meet in public places.

But a body of research has shown that we might just be short-changing our own happiness by ignoring opportunities to connect with the people around us.

Several years ago, University of British Columbia psychologist Elizabeth Dunn and her colleague Gillian M. Sandstrom, tested whether short conversations with strangers could lift moods. They asked participants to enter a busy coffee shop and grab a beverage; half would get in and get out, and half would strike up a conversation with the cashier.

"We found that people who were randomly assigned to turn this economic transaction into a quick social interaction left Starbucks in a better mood," Dunn says. "And they even felt a greater sense of belonging in their community."

The same researchers found that these seemingly trivial encounters with the minor



characters in our lives — the random guy at the dog park or the barista at our local coffee shop — can affect feelings of happiness and human connection on a typical day.

**Give it a try and let me know how it goes: [mleitsinger@kqed.org](mailto:mleitsinger@kqed.org)**

## **Steph Curry Helps Renovate Run-Down Basketball Court in East Oakland**

Leave it up to Steph Curry to fix a run-down community basketball court in East Oakland — and to do it in style.

On Tuesday afternoon at Concordia Park, a large crowd of children cheered loudly as the Warriors guard tossed alley-oops to a squad of young hoopers. While parents watched from the bleachers, Curry walked around the court, signing new shoes for many of the young people in attendance.

The occasion? A renovation of Concordia Park's run-down basketball court, made possible by Curry's philanthropy after just one tweet about the court's condition. Nimsins, an educator, MC and resident of East Oakland, said it was just after the Warriors lost the finals that he got up the nerve to ask for help.

"One of the backboards went down last year, so we were all sharing one court," said Nimsins, who uses the court regularly.

Nimsins initially tried contacting the city about the court's condition to no avail. Then, he sent out a tweet asking for help to fix the court, tagging the Warriors organization, as well as stars like Kevon Looney and Draymond Green.

People noticed. Nimsins said he was contacted by a number of people, including Bryant Barr — who leads Steph Curry's philanthropy group SC30 Inc. He'd already begun the process of finding a way to help.

Within weeks, the project was done.

**Photo:** Steph Curry signs autographs for kids on the completed Concordia Park basketball court. (Pendarvis Harshaw)

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## **Not Your Grandma's Big Band: San Jose's 7th Street Reaches for the Edge of Jazz**

If big band makes you think swing music, you might be disappointed with the sound of San Jose's 7th Street Big Band — which is anything but traditional.

"Our tagline is 'we're not your grandparents big band'," said Gabby Horlick, the group's founder, band leader and drum set player. "We don't really play "In the

Mood" and "Sing Sing Sing" and these traditional big band songs."

Like many musicians today, they feel free to draw from multiple musical traditions. Influences range from pop and funk to hip hop, as well as jazz. And they do covers, like Childish Gambino's "Redbone."

But the 7th Street Big Band plays a lot of original music, too. Their most streamed song on Spotify, from their 2018 album "Off Cinderella Lane" was written by their tenor saxophone player. It's called "One Man's Trash" and it's another piece that bucks big band tradition with its heavy tinges of electronic dance music.

Horlick said people filter in and out of the band, but there's usually about 20 members. They barely fit in Horlick's living room, which she converts to a rehearsal space every other Sunday.

Most members of the band are recent grads from San Jose State. Hence the band name, a nod to one of the prominent streets adjacent to campus.

"The typical big bands that I've been in definitely have an older generation of people who want to play mostly straight-ahead jazz, which is awesome," said band member Brittany Biala, who studied jazz at San Jose State. "But we definitely play some funkier versions. And we have a rapper."

**Photo:** Members of the band pack into a living room for rehearsals. (Tiffany Camhi/KQED)

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## San Jose Jazz Summer Fest: In the Pocket at 30

This weekend, some 40,000 people will descend on downtown San Jose for the 30th anniversary of the San Jose Jazz Summer Fest.

The original ambition of the festival's original founders was decidedly more modest in 1990. So says Artistic & Festival Director Bruce Labadie, there from the beginning: "We decided to have it free and outdoors and, basically, was going to be made successful by selling beer."

Of course, a few sponsorship deals helped, as did careful selection of eight headliners, including Bobby Hutcherson, Freddie Hubbard and Poncho Sánchez. "10,000 people showed up over two days. It was amazing. So we knew it was going to be successful from the beginning."

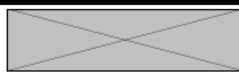
30 years later, the Summer Fest is much bigger: 14 stages instead of two, 150 acts, or so, instead of eight. And, the organization now is much bigger than its annual summer fest.

"There's really nothing else like it in the Bay Area," says jazz writer Andy Gilbert, who's covered the organization for KQED over many years. "This takes over downtown San Jose, around the Plaza de Cesar Chavez. ... It's a huge street party with fantastic music."

**Photo:** Funky Meters perform for a packed Main Stage audience during the 2016 San Jose Jazz Summer Fest. (Courtesy of Jerome Brunet)

**Today's KQED News Daily was produced by Miranda Leitsinger in San Francisco. Got ideas, stories, comments? Email me: [mleitsinger@kqed.org](mailto:mleitsinger@kqed.org)**

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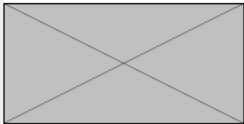


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Bruce Jones returns to ExpressJet Airlines as VP maintenance and engineering and United Airlines gains his predecessor.

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Every MRO can rattle off mechanical specs, but only a few can speak from experience about airline operations. As a critical part of one of the world's most reliable airlines, we understand the connection between uptime and bottom lines better than anyone. To put our dual perspective to work for you, visit [DeltaTechOps.com](#)

## Measure Better To Do Mods Faster

Henry Canaday

Automating measurement for interior mods, improving digital twins.

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Henry Canaday

Going beyond regulatory requirements can bring tax and other benefits in Brazil.

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## Embraer Designs Enhanced Data Connectivity Into E2

Lee Ann Shay

Embraer's IKON big data analysis system works with connectivity built into the E2 to provide greatly enhanced predictive data for MRO.

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## BRIEFS

## Ameco Approval

Ameco has received Design Organization Approval from EASA, becoming the first aviation maintenance enterprise in China to obtain the EASA DOA. With the EASA DOA, Ameco will be able to conduct independent engineering design, technical analysis, evaluation, experiments and airworthiness approval for aviation products within the scope of work approved by EASA and in an effective design support system.

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## Atitech Approval

Atitech received the Italian ENAC Airbus A330 base maintenance certification.

### Advertisement

Teledyne's new PMAT XS™ is a small, lightweight portable dataloader featuring a touchscreen interface, yet built to withstand the rigors of the flight line. Designed to facilitate compliance, the PMAT XS easily integrates with Teledyne's ground management system to provide automatic, secure distribution of software parts, navigation databases and application updates to the aircraft.

## In Istanbul

Aykut Tutucu, general manager at Turkish Engine Center, provides the keynote address at Aero-Engines Europe. [Click here to view the full agenda for the event in Istanbul Sept. 11-12.](#)

### Advertisement

## PPG Provides Aerospace Workforce Opportunities for Visually Impaired People

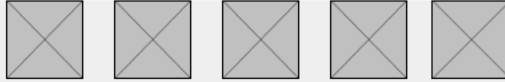
PPG's Indianapolis aerospace application center (ASC) is working to provide employment opportunities to blind and visually impaired people. The jobs entail using PPG-designed guides and tools to assemble and bag small parts used to mix aerospace sealants. According to PPG, its ASC maintenance team has developed ways for these employees to use their hands to ensure accuracy in assembly work.

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Ensure a cool and comfortable cabin and cockpit with a fully overhauled motor by the AMETEK PDS expert service center in Wichita, KS. We've further expanded our OEM Compressor Drive Motor repair service coverage and now include the following part numbers: MB76A-1, MB76C-1, MB76C-2, 1250151, 1134104-1, 1134104-5, 1134104-6 and 1250104

## ST Engineering Results

Singapore Technologies Engineering will release its financial results for the second quarter ended June 30, on Aug. 14, before the Singapore trading market opens. The results briefing and webcast will be held on the same day at 11 a.m., Singapore time.



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## The Embedded Muse

Issue Number 379, August 5, 2019

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## Editor's Notes

Over 400 companies and more than 7000 engineers have benefited from my [Better Firmware Faster](#) seminar held on-site, at their companies. Want to crank up your productivity and decrease shipped bugs? Spend a day with me learning how to debug your development processes.

Attendees have blogged about the seminar, for example, [here](#), [here](#) and [here](#).

Jack's latest blog: [Apollo 11 and Navigation](#).

VDC is currently running their 2019 survey of embedded/IoT engineers. Survey respondents will earn a \$30 Amazon.com gift card or donation to Doctors Without Borders upon completion of the 20-40 minute survey. The survey link is [here](#).

## Quotes and Thoughts

In a sense, creating software requirements is like hiking in a gradually lifting fog. At first only the surroundings within a few feet of the path are visible, but as the fog lifts, more and more of the terrain can be seen. Capers Jones

## Tools and Tips

Please submit clever ideas or thoughts about tools, techniques and resources you love or hate. [Here](#) are the tool reviews submitted in the past.

John Gustafson has proposed an alternative to the IEEE 754 floating point standard, which is briefly discussed in this [article](#). He claims it offers solutions to many of 754's problems, and, intriguingly, uses a variable-length mantissa. Interesting stuff.

Dimitris Tassopoulos sent this:

I'm sending you this quite new tool for emulating various microcontrollers and peripherals. This is quite useful to run automated tests on continuous integration (CI) systems.

<https://renode.io/about/>

Renode already supports some ARM cores (e.g. stm32f103c8t6 - known as bluepill), but it's also very expandable. I found this tools while I was browsing the source code of the TensorFlow Lite micro, which is a small neural network API meant to run inferences on baremetal MCUs. Here are some links about TF-Lite

<https://www.tensorflow.org/lite/microcontrollers/overview>

<https://github.com/tensorflow/tensorflow/tree/master/tensorflow/lite/experimental/micro>

In the github source, they use renode to run automated tests on emulated hardware.

I find it quite amazing and I like that it can be used also for FPGAs.

Also machine learning is getting really hot in the embedded domain and currently there's a huge gap and a lot of opportunities there, because there are plenty of data scientists but very few to none that are capable on baremetal embedded (even Linux embedded). Therefore, the embedded engineers that will jump on the wagon now will benefit from that soon. The tools and frameworks are still a mess, but there's a lot of progress and IMHO it's better to get familiar with it now, rather later.

I dug around on the Renode site a little. This sounds somewhat like [Simics](#), a fascinating tool that lets developers do vast amounts of testing with no hardware. If Renode does what is claimed, it could be a game-changer. It seems to run binaries targeted for an OS-less MCU on a PC, Mac or Linux box. So if you're developing code and the hardware is late (it's always late) conceivably you could start testing early. And it's free.

The [Embedded Systems Conference](#) will be August 27-29 in Santa Clara. I'll be giving one talk, and Jacob Beningo and I will do a "fireside chat" about where this industry has gone over the last 30 years (or more).

## Freebies and Discounts

Uwe Schächterle won the [Liteplacer](#) pick and place machine in last month's giveaway.

This month's giveaway is a slightly-used (I tested it for a [review](#)) 300 MHz 4-channel (including 16 digital channels) SDS 2304X scope from Siglent that retails for about \$2500.

Enter via [this](#) link.

## The SquarerUpper

In [Muse 377](#) I referred to my SquarerUpper tool, which improves the rise time of pulse/arbitrary-waveform generators. Many readers asked about it.

Some oscilloscopes today include waveform generators, a nice feature. But rise times are slow. Most I've measured are in the 15 to 20 ns range, which is akin to what we expected from 74-series logic around 1980. Yeah, sure, I understand there's probably a DAC doing the heavy lifting and the bandwidth of those are limited, but 20 ns is pretty much the time it takes for a modern CPU to drink a beer, settle into the barcalounger, and utter that inevitable belch. My nice [AWG](#) sports an 8.4 ns risetime, still too slow for much of my work.

The SquarerUpper is just a [74AUC08](#) AND gate. It's mounted in a "cage" of copper-clad PCB material with BNCs for the

input and output, with both high and low-frequency bypass capacitors. That's it. Two leads go to a 2.7 volt lab power supply.

The 74AUC08's risetime is uncharacterized in its datasheet. I measured the SquarerUpper's risetime at 700 ps.

*SquarerUppper. The 74AUC08 gate is the tiny black thing in the center. The high-frequency bypass cap is hidden under the input BNC (on the left). The two leads at the bottom are for the power supply..*

I generally use coax to connect the output of this to the device under test; if that's a scope, set it's input impedance to 50 ohms to match the cable. Otherwise the reflections will distort the signal.

*On the left, the scope's input is 50Ω; on the right it's 1 MΩ*

## On Testing

How much testing do we need? If completely undisciplined software engineering techniques were used to design commercial aircraft avionics (e.g., giving a million monkeys a text editor), then you'd hope there would be an army of testers for each developer.

Or consider security. Test is probably the worst way to insure a system is bullet-proof. Important? Sure. But no system will be secure unless that attribute is designed in.

The quality revolution taught us that you cannot test quality into a product. In fact, tests usually exercise only half the code! (With test coverage that number can be greatly improved). Capers Jones and Olivier Bonsignour, in *The Economics of Software Quality* (2012) show that many kinds of testing are needed for reliable products. On large projects up to 16 different forms of testing are sometimes used.

Jones and Bonsignour provide some useful data (Jones probably has more empirical data about software engineering than anyone). It is all given in function points, as Jones especially is known for espousing them over lines of code (LOC). But function points are a metric few practitioners use or understand. We do know that in C, one function point represents very roughly 120 LOC, so despite the imprecision of that metric, I've translated their function point results to LOC.

They have found that, on average, companies create 55 test cases per function point. That is, companies typically create almost one test per two lines of C. The average test case takes 35 minutes to write and 15 to run. Another 84 minutes are consumed fixing bugs and re-running the tests. Most tests won't find problems; that 84 minutes is the average including those tests that run successfully.

The authors emphasize that the data has a high standard deviation so we should be cautious in doing much math, but a little is instructive.

One test for every two lines of code consumes  $35 + 15 + 84$  minutes. Let's call it an hour's work per line of code. That's a hard-to-believe number but, according to the authors, represents companies doing extensive, multi-layered, testing.

Most data shows the average developer writes 200 to 300 LOC of production code per month. No one believes this as we're all superprogrammers. But you may be surprised! I see a ton of people working on very complex products that no one completely understands, and they may squeak out just a little code each month. Or, they're consumed with bug fixes, which effectively generates no new code at all. Others crank massive amounts of code in a short time but then all but stop, spending months in maintenance, support, requirements analysis for new products, design, or any of a number of non-coding activities.

One hour of test per LOC means two testers (160 hours/month each) are needed for the developer creating about 300 LOC/month.

One test per two LOC is another number that seems unlikely, but a little math shows it isn't an outrageous figure. One

version of the Linux kernel I've analyzed averages 17.6 statements per function, with an average cyclomatic complexity of 4.7. Since complexity is the *minimum* number of tests needed, at least one test is needed per four lines of code. Maybe a lot more; complexity doesn't give an upper bound. So one per two lines of code could be right, and is probably not off by very much.

Jones' and Bonsignour's data is skewed towards large companies on large projects. Smaller efforts may see different results. They do note that judicious use of static analysis and code inspections greatly changes the results, since these two techniques, used together, and used effectively, can eliminate 97% of all defects pre-test. But they admit that few of their clients exercise much discipline with the methods. If 97% of the defects were simply not there, that 84 minutes of rework drops to 2.5 and well over half the testing effort goes away.

(Here's another way to play with the numbers. The average embedded project removes 95% of all defects before shipping. Using static analysis and inspections effectively means one could completely skip testing and still have higher quality than the average organization! I don't advocate this, of course, since we should aspire to extremely high quality levels. But it does make you think. And, though the authors say that static analysis and inspections can eliminate 97% of defects, that's a higher number than I have seen.)

Test is no panacea. But it's a critical part of generating good code. It's best to view quality as a series of filters: each activity removes some percentage of the defects. Inspections, compiler warnings, static analysis, lint, test and all of the other steps we use are bug filters.

Jones' and Bonsignour's results are fascinating, but like so much empirical software data one has to be wary of assigning too much weight to any single result. It's best to think of it like an impressionistic painting that gives a suggestion of the underlying reality, rather than as hard science. Still, their metrics give us some data to work from, and data is sorely needed in this industry.

## Inspections or Static Analysis?

Dan Swiger writes:

We evaluated Code Collaborator and decided to purchase it to easily document and be able to report peer reviews. In the 6 months since we purchased the tool, I personally have done 3-4 peer reviews of software, followed very closely by using Coverity to perform static analysis. In all cases, I found Coverity to be much more effective, both from a time-perspective and a (potential) defects found perspective. So my question to you is, how do you feel about using static analysis as a replacement for peer review? What is the downside? In my experience with doing the actual peer reviews, I spent a lot more time trying to figure out what the code was supposed to be doing than finding any actual defects. By contrast, Coverity very quickly found buffer overruns, out-of-bounds accesses, and other potentially nasty bugs that I didn't see. Plus, Coverity looks at 100% of the code as it is compiled, as opposed to the ~2% that I looked at during my inspection. It just seems far more efficient to use a tool than to look at the code than uneducated human-eyes/minds. I'd be interested to hear your thoughts and insights.

I have a couple of reactions:

First, let's define static analyzers, of which Coverity is one. Lots of people mix these up with Lint and the like. Lint does extensive syntax checking; static analyzers do not. They look for problems that can arise at runtime, like the ones noted by Dan.

Code inspections, done correctly, have two goals. The first is to find design issues: does this code do what we want it to? The second is to, well, essentially scare the developer into working hard to avoid errors in the first place.

The quality movement that revolutionized manufacturing taught us that retrofitting fixes into a product is a lousy idea. Much better is to consistently build high-quality stuff from the git-go. That saves money and delights the customer. Analogously, In the software world it has been shown that a focus on fixing bugs will not give you quality code. Quality needs to be designed in from the outset.



Static analyzers excel at finding potential runtime errors. They're an excellent addition to the quiver of quality tools. But they won't find design errors, like "will this code do what we want it to do?" Or, "what happens if this exceptional condition occurs?"

"Scare the developer into working hard to avoid errors in the first place" means that any normal person will try harder to create high-quality work products if he knows he'll be accountable to his peers. More time spent in implementation, carefully checking for problems, means better code, fewer bugs, less debugging, and ultimately faster delivery. Isn't that what we want?

## A Feature I'd Like in a Scope

Modern oscilloscopes are remarkable instruments, simply packed with features we couldn't have imagined in the pre-digital days. Today some are more like PCs with high-speed data acquisition front-ends.

I was running an experiment recently, measuring the rotation speed of a device over time. The rotating element had a tab that broke the beam of an optical switch; a scope monitored that signal to show the period of that signal. From that it was easy to compute RPM. I was using Siglent's [SDS5034X](#) which can plot histograms and trend lines of signals. That turns the scope into a data recorder, which is a very cool feature:

*This shows the scope graphing a varying-frequency oscillator.*

But then it occurred to me that this scope, and many other digital versions, can compute functions like integrals and square roots of signals. Wouldn't it be nice if one could have the instrument compute a custom function? In the case I mentioned, it would be nice to display RPM, not period. If one could enter a polynomial all sorts of custom calculations would be possible.

No matter how many features we're given, there's always one more! I'm reminded of someone who asked Rockefeller how much money was enough. His answer: "Just a little more!"

*Very late update:* Steve Barfield of Siglent tells me they will be adding this feature to some of their scopes, probably in September.

## Jobs!

Let me know if you're hiring embedded engineers. No recruiters please, and I reserve the right to edit ads to fit the format and intent of this newsletter. Please keep it to 100 words. There is no charge for a job ad.

GIRD Systems in Cincinnati, OH is looking for on-site embedded software engineers for our next generation of software defined radios.

### Required

- \* USA Citizenship
- \* C and C++
- \* Linux
- \* ARM & x86
- \* Svn & Git

<http://girdsystems.com/careers.html>

[Resumes@girdsystems.com](mailto:Resumes@girdsystems.com)

## Joke For The Week

Note: These jokes are archived [here](#).

This is from Bruce Schneier's July 15 CRYPTOGRAM. I presume it's true and not a joke, except, well, you have to be

FOIL G000636-091119 000075

kidding me:

If you need to reset the software in your GE smart light bulb -- firmware version 2.8 or later -- just follow these easy instructions:

Start with your bulb off for at least 5 seconds.

1. Turn on for 8 seconds
2. Turn off for 2 seconds
3. Turn on for 8 seconds
4. Turn off for 2 seconds
5. Turn on for 8 seconds
6. Turn off for 2 seconds
7. Turn on for 8 seconds
8. Turn off for 2 seconds
9. Turn on for 8 seconds
10. Turn off for 2 seconds
11. Turn on

The bulb will flash on and off 3 times if it has been successfully reset.

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## Daily Brief

### Hiring specialists to face retraining for competitive exams

Certain federal human resources employees will have to pass a new certification to be able to examine federal job applicants for necessary skills.

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#### Trump encourages Republicans to back bipartisan budget bill

The legislation would take care of the two biggest items on Washington's must-do agenda: setting the debt limit and overall spending limits.

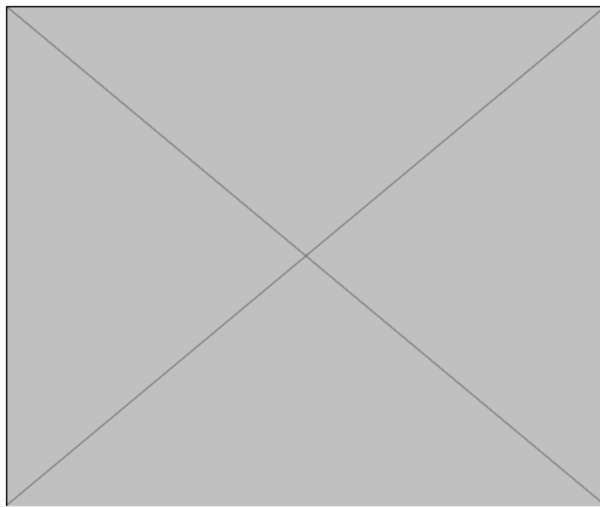
#### Election security divides Congress after Mueller's testimony

Senate Majority Leader Mitch McConnell, a Kentucky Republican, halted a bipartisan effort to beef up state election systems ahead of the 2018 election and on Thursday blocked Democrats from pushing forward a House-passed bill to authorize funding for the states.

#### Long-term care insurance: Does the federal plan have you covered?

Finding the policy that's right for you requires thoughtfully assessing your personal situation and weighing the pros and cons of your options.

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### **The 4 cornerstones of government acquisition reform**

The General Services Administration is juggling multiple acquisition reforms that aim to collectively change the way government buys goods and services.

### **Can industry help make FedRAMP security evaluations less painful?**

The Federal Risk and Authorization Management Program's Program Management Office is soliciting ideas on how to fix numerous challenges that cloud service providers and agencies face in receiving approval.

### **Democratic senators fear for 2020 election security**

A group of senators urged Majority Leader Mitch McConnell to take action on security bills amidst a "host of threats" facing the upcoming presidential election.

### **How the Federal Data Strategy is transforming data into a strategic asset**

The Trump administration sees 2019 as a major push year for federal data policy, and has highlighted the importance of investing in key supporting technologies, such as data hygiene, automation and AI/machine learning.

### **Nomination for DoD's chief management officer heads to the Senate**

The CMO position was created by Congress during a round of recent reforms, and it was elevated to the No. 3 job in the department's chain of command.

### **Senators chastise EPA for changes to records policy**

The Environmental Protection Agency made changes to its policy for processing Freedom of Information Act requests without first going through a public comment period.

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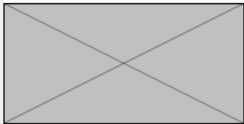


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MRO Network Daily



**Fast 5: Meggitt Bolsters Aftermarket Network**

James Pozzi  
Adrian Plevin, senior vice president of MRO services at Meggitt, talks about how the company is looking to boost its aerospace equipment aftermarket unit and how it is drawing on big data to better help it plan repairs.

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**Serbia To Privatize JAT-Tehnika**

Victoria Moores  
Bidders for Jat-Tehnika have until July 31 to bid for the MRO.

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**OEMs Seek Greater Capabilities, Longer Life For Radar Technologies**

Paul Seidenman & David J.Spanovich  
OEMs are reacting to customer demand by pushing radar technology toward a more user-friendly experience.

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ePlane: Free Aerospace Market

ePlane is an AI-driven marketplace, sourcing, trading, and communication platform, dedicated to the aerospace industry; connecting aircraft parts buyers & sellers from across the globe.

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Get your aircraft back in the air faster using old rags to clean expensive aircraft equipment? That won't fly. Tork helps get planes in the air faster. Want to see Tork Wipers in action?

## Ryanair COO Change

Ryanair COO Peter Bellew, who recently resigned from the position at the Irish LCC, will join easyJet as COO, a development that was revealed as part of the UK LCC's third-quarter trading update.

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## Public-Private Partnership

Rolls-Royce is renewing its partnership with Singapore's Nanyang Technological University in a public-private research and development partnership, with a joint investment of SGD88 million (\$64.6 million) for the second phase.

Advertisement

This webinar provides a better understanding of the basics of the laser welding process, the cost advantages of using an automated repair process and the superior quality that the system produces. Speaker: Rob Wagner, Optomec Laser Process Development Manager.

## United Airlines Sponsors School

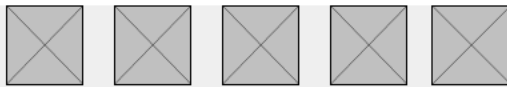
United Airlines is sponsoring a classroom at MIAT College of Technology's Houston campus. "By volunteering to become a classroom sponsor this year, United Airlines puts itself in an excellent position to achieve 'top of mind' recognition from our students," explained John Willis, MIAT College of Technology Houston campus president.

Advertisement

## Crash-Resistant Tanks

StandardAero and Robertson Fuel Systems delivered two of their AS350/EC130 crash-resistant fuel tanks to Hangar One Avionics, which will soon installed the tanks on the Oklahoma City Police Department's AS350 B3e (H125) helicopters.





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## Oakland City Council Votes to Ban Facial Recognition Software

Oakland's City Council looks set to ban facial recognition software by city agencies after voting unanimously Tuesday night to approve the measure. A second vote in mid-September would finalize the ban, which would take effect immediately.

This makes Oakland the third city in the nation to do so after San Francisco and Somerville, Massachusetts. Berkeley is considering a ban as well.

The Oakland ban is similar to San Francisco's in part because activists like Brian Hofer, executive director of the nonprofit Secure Justice, helped craft both measures. He was in attendance at the City Council meeting.

Facial recognition software uses machine learning algorithms to track human faces in digital footage and match them to names. But if the databases those software systems pull from are inaccurate or distorted by historic policing patterns, people of color can become the victim of false positives.

Researchers argue that commercially available products for law enforcement aren't able to correct for these systemic human biases, especially in criminal justice.

Oakland City Council President Rebecca Kaplan cited such concerns in a report written for the council.

"Face recognition technology runs the risk of making Oakland residents less safe as the misidentification of individuals could lead to the misuse of force, false incarceration, and minority-based persecution."

**Photo:** A facial recognition system. (Getty Images)

## MAP: These Bay Area Cities Have Higher Minimum Wages Than the Rest of California

Thousands of low-wage workers in seven Bay Area cities received raises this month as a result of new minimum wage increases that went into effect July 1.

The biggest increases are in Alameda, Milpitas and Fremont for businesses with 26 or more employees, where minimum wage workers this month will see a \$1.50 hourly bump over their June earnings.

They are among a growing group of Bay Area cities boosting their minimum wages at a pace faster than that of the state.

At the start of 2019, California's minimum wage ticked up \$1 to \$12 for businesses with 26 or more employees and went up to \$11 for smaller businesses, with the target of a \$15 hourly minimum for all employers by 2023.

In contrast, the federal minimum wage has lingered at \$7.25 for the past decade.

A few cities, including Berkeley, San Francisco, Mountain View and San Jose, have already reached or eclipsed the state's \$15 target. In most of these cities, the wage is scheduled to increase annually based on the regional Consumer Price Index (CPI).

A map in the story shows minimum wage laws in every Bay Area city. Eighteen of these cities have now raised their wages above the state minimum, including Emeryville, which now has the highest hourly wage in the nation: \$16.30 for all employers regardless of size.

**MAP:** Matthew Green/KQED

## **'Manhole' to 'Maintenance Hole': Berkeley Proposes Gender-Neutral Changes to City Code**

Under proposed changes to make Berkeley's municipal code more gender inclusive, words such as "manhole" will be changed to "maintenance hole," "manpower" to "human effort" and "fraternity" to "collegiate Greek system residence."

The code will also be changed throughout to modify any masculine or feminine language to language using gender-neutral pronouns, like "they" or "them." The ordinance on the proposed revisions had its first reading before the City Council on Tuesday night. A second reading will be held next week.

The item passed with no discussion or comments, said Berkeley City Councilmember Rigel Robinson, who proposed the changes. Robinson said a growing social awareness of transgender and gender-fluid individuals had "brought to light the importance of non-binary gender inclusivity" in City Hall, and the language of city legislation.

"Our laws are for everyone, and our municipal code should reflect that. Women and nonbinary individuals are just as entitled to accurate representation," Robinson said in an email. "Having a male-centric municipal code is inaccurate and not reflective of our reality."

Other terms that would change:

"Manmade" to "human-made" or "machine made"

"Pregnant" to "pregnant employee"

"Master" to "captain"  
"Sportsman" to "hunters"  
"Sister" or "brother" to "sibling"

**Photo:** A manhole now officially to be termed a 'maintenance hole' in Berkeley.  
(Dan Brekke/KQED)

## California Counties to Get Share of \$305 Million Lead Paint Settlement After Decades of Litigation

Three paint manufacturers will pay \$305 million to eight counties, including many in the Bay Area, and three cities to clean up lead paint, which poisons tens of thousands of children in California every year, the San Francisco City Attorney's Office said Wednesday.

The settlement came nearly 20 years after litigation initiated by the Santa Clara County Counsel's Office began. Under the agreement, the defendants -- ConAgra Grocery Products Co., Sherwin-Williams Co. and NL Industries Inc. -- will pay the funds to Santa Clara, Alameda, Los Angeles, Monterey, San Mateo, Solano and Ventura counties; the city and county of San Francisco; and the cities of Oakland and San Diego.

The communities will split up the funds based on the number of homes with lead paint in each area.

"Today's settlement holds former manufacturers of lead paint responsible for the harm they have caused to generations of California's children," Santa Clara County Counsel James R. Williams said in a statement.

In statements responding to the settlement, ConAgra said it was "pleased to have reached a resolution," while NL said that, though the company "disputes it has any liability for any nuisance," it looks forward to ending the litigation.

Lead paint was banned for residential use in 1978, but remains in millions of homes in California and is the leading cause of childhood lead poisoning statewide, said the San Francisco City Attorney's Office.

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## Berkeley Becomes First City in California to Ban Natural Gas in Most New Buildings

**Berkeleyside reports:** Berkeley will no longer allow natural gas pipes to be installed in most new buildings starting next year, becoming the first city in California to pass such restrictions.

The Berkeley City Council voted unanimously Tuesday night in favor of the legislation, put forward by Councilwoman Kate Harrison and council co-sponsors

Public support was also unanimous during 45 minutes of comment from community members and representatives of the University of California's Office of the President (UCOP), energy giant PG&E and the Sierra Club, among others who spoke.

Ryan Bell, UCOP's sustainability director, told officials the university is on board with the idea and, as of July 1, already has a policy, to avoid natural gas space and water heating in most new facilities. The university has all-electric buildings -- from labs and dormitories to office space -- going up around the state "in all climate zones," Bell said.

The new law, which goes into effect in January, will apply only to building types that have been reviewed and analyzed by the California Energy Commission. Each time the state expands its models and analyses, the city will be able to update its law without returning to the council for a new vote.

## **PHOTOS: Major Crude Spill at Chevron Well Site in Kern County**

State oil and gas regulators have released a series of photos of a Kern County well site where about 800,000 gallons of crude oil and water have spilled from a Chevron well site.

The area fouled by the incident is in the Cymric Oil Field, near the town of McKittrick and 35 miles west of Bakersfield. Photographs, including an image from a state Department of Conservation drone, show the spill has inundated a roughly 1,000-foot stretch of an unnamed dry creek bed.

The flows -- called surface expressions -- began adjacent to a Chevron steam injection well on May 10, halted for a time, then started up again on June 8 and once more on June 23. No new material has flowed from the site since last week.

California regulators say crews are preparing to haul away contaminated soil from the site. A licensed engineer plans to survey the area to determine when it will be safe to bring in workers and equipment to do that job, according to the state's Division of Oil, Gas and Geothermal Resources.

Chevron and DOGGR officials are working to determine the composition of the spill. DOGGR, which has ordered Chevron to "take all measures" to stop the flow, has estimated that about one-third of the spill, or about 265,000 gallons, is oil.

**Photo:** "Surface expressions" that have spilled nearly 800,000 of a crude oil-water mixture into a dry creek bed in Kern County. (California Department of Conservation)

# Underwater Video Shows Violent Shaking in Death Valley Cave Housing Critically Endangered Fish During 7.1 Quake

On Friday, July 5, at 8:20 pm, a 7.1 magnitude earthquake rocked a wide area of Southern California.

The quake, which struck outside of Ridgecrest, was also felt about 150 miles to the east, at Devils Hole, a detached 40-acre area of Death Valley National Park that is across the California border in Nevada. That shaking is shown in a remarkable video released by the National Park Service.

The clip shows water violently sloshing around, rising and falling 10 to 15 feet, according to a park estimate. The video captures two angles, one looking into the cave and the other underwater inside it.

Devils Hole is a part of the desert uplands and spring-fed oases that make up the Ash Meadows complex, a national wildlife refuge.

The water inside the cave is the native environment of the Devils Hole Pupfish, a critically endangered species.

Park officials train cameras on the area to monitor the fish remotely.

In a statement posted with the video, the park says that fish were luckily spared. "The fish seem to be in good condition with spawning behavior occurring," they wrote.

**Image:** Screenshot of the NPS video

**Today's KQED News Daily was produced by Miranda Leitsinger in San Francisco. Got ideas, stories, comments? Email me: [mleitsinger@kqed.org](mailto:mleitsinger@kqed.org)**



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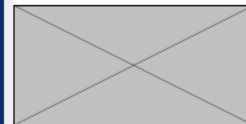


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## MRO Network Daily



### TWU Seeks To Limit American Airlines Outsourcing

Henry Canaday

TWU and American Airlines are also in contract negotiations over pay, healthcare and 401(k) contributions.

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### Embraer Designs Enhanced Data Connectivity Into E2

Lee Ann Shay

Embraer's IKON big data analysis system works with connectivity built into the E2 to provide greatly enhanced predictive data for MRO.

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### Parts Supply, Programs Boost AAR Sales

James Pozzi

The U.S. aftermarket services provider posted consolidated sales of \$562.7 million for the fourth quarter fiscal 2019.

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## Inside MRO News Briefs And Contracts (July 2019)

Rolls-Royce's acquisition of Siemens' electric-propulsion unit is the MRO highlight of the Paris Air Show.

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## ARSA Asks FTC To Recognize Aviation Maintenance Repairability Issues

Crystal Maguire

MRO trade group ARSA asks for FTC intervention to address anticompetitive behavior by OEMs, including restricting access to repair data.

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### BRIEFS

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## StandardAero Signs Engine MRO Agreement with SNC

StandardAero has signed a five-year agreement with Sierra Nevada Corporation covering MRO support for Pratt & Whitney PT6A and PW100 turboprop engines. StandardAero will provide support to SNC from its Summerside, Canada Designated Overhaul Facility, as well as other global locations.

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## Shipping Crates Needed

Air Salvage International is looking for a shipping crate assembler.

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## Guinness World Record

The GE9X engine that will power the Boeing 777X achieved a Guinness World Record for the "most powerful commercial aircraft jet engine (test performance)." The records company acknowledged the achievement on July 12. GE has logged than 700 GE9X engine orders, with eight customers so far. The OEM expects to certify the powerplant later this year.

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## Software Selection

Lake Country Avionics has selected Component Control as its business software provider.

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## Daily Brief

### New data center directives want to focus on the big picture

An Office of Management and Budget memo addresses where to focus to increase savings and improve efficiency.

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#### Agencies are on the clock for digital records transitions

A new White House memo requires agencies to meet digital records milestones over the next three-and-a-half years.

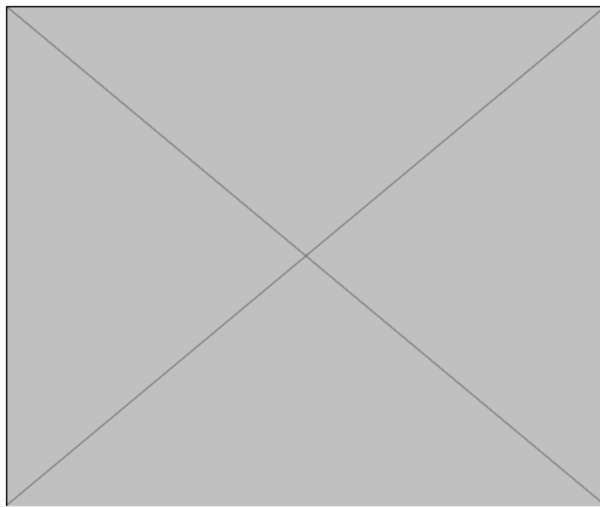
#### Will hacked voting machines decide the 2020 election?

Experts are worried about vulnerabilities, but the government says it hasn't yet seen evidence of hacking.

#### Senate shoots down attempt to curb Trump's Iran war powers

The Senate's Republican majority defeated a war authorization measure Friday meant to bar President Donald Trump from launching a military strike against Iran without Congress's permission.

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### ▪ **How NASA wants to explore the AI sector**

The agency is navigating through roadblocks that once blocked it from fully utilizing innovations in artificial intelligence and machine-learning technology.

### ▪ **Some feds could get a new data-based title**

The Office of Personnel Management granted agencies the authority to add new classifications to job titles that deal with federal data.

### ▪ **House Democrats approve bill to strengthen election security**

The bill, known as Securing America's Federal Elections, or SAFE, Act, is the first of several proposed by Democrats to boost election security as Congress belatedly moves to respond to Russian interference in the presidential election more than 2½ years ago.

### ▪ **House passes federal pay raise with restrictions on agency reorgs**

Federal employees are one step closer to seeing their largest pay increase in a decade.

### ▪ **One Senate panel's idea to prioritize cybersecurity spending**

The Senate's Permanent Subcommittee on Investigations has ideas to improve federal cybersecurity.

### ▪ **Union files unfair labor charges against new EPA contract**

The charge is the latest in a prolonged and contentious contract negotiation between the Environmental Protection Agency and the American Federation of Government Employees.

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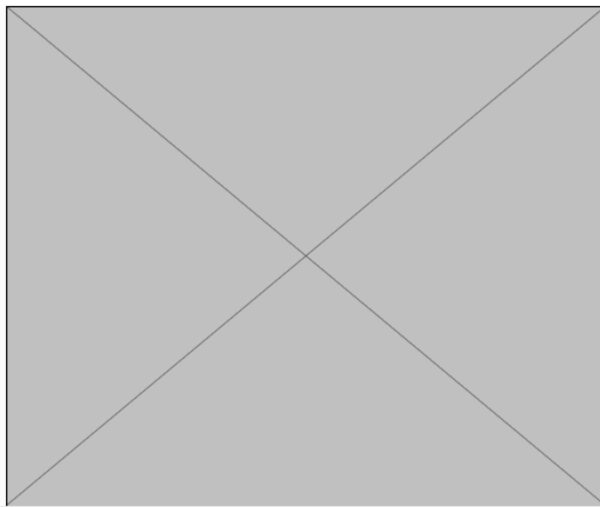
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### ▪ **Union files unfair labor charges against new EPA contract**

The charge is the latest in a prolonged and contentious contract negotiation between the Environmental Protection Agency and the American Federation of Government Employees.

### ▪ **High court keeps citizenship question on hold in census case**

The high court did not say the question could not be asked, just that the administration's current justification for adding the question was insufficient.

### ▪ **Politicians' tweets could get slapped with warning labels**

Twitter said the policy applies to President Donald Trump and other world leaders, all government officials, candidates and similar public figures with more than 100,000 followers.

### ▪ **Supreme Court allows partisan districts, blocks census query**

On the court's final day of decisions before a summer break, the justices dealt blows to efforts to combat the drawing of electoral districts for partisan gain and put a hold on a Trump administration effort to add a citizenship question to the 2020 census.

### ▪ **How AI investments can improve health care**

A federal push for new technology can help predict health outcomes and address how to create new ways to deliver and pay for care, among other benefits.

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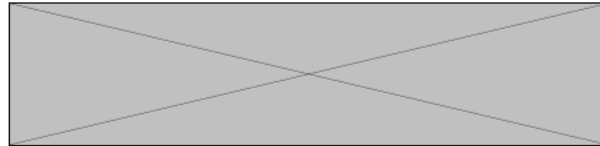




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Vanel pushes smart contracts bill ... School bus cameras pass state Senate ... and more of today's tech news

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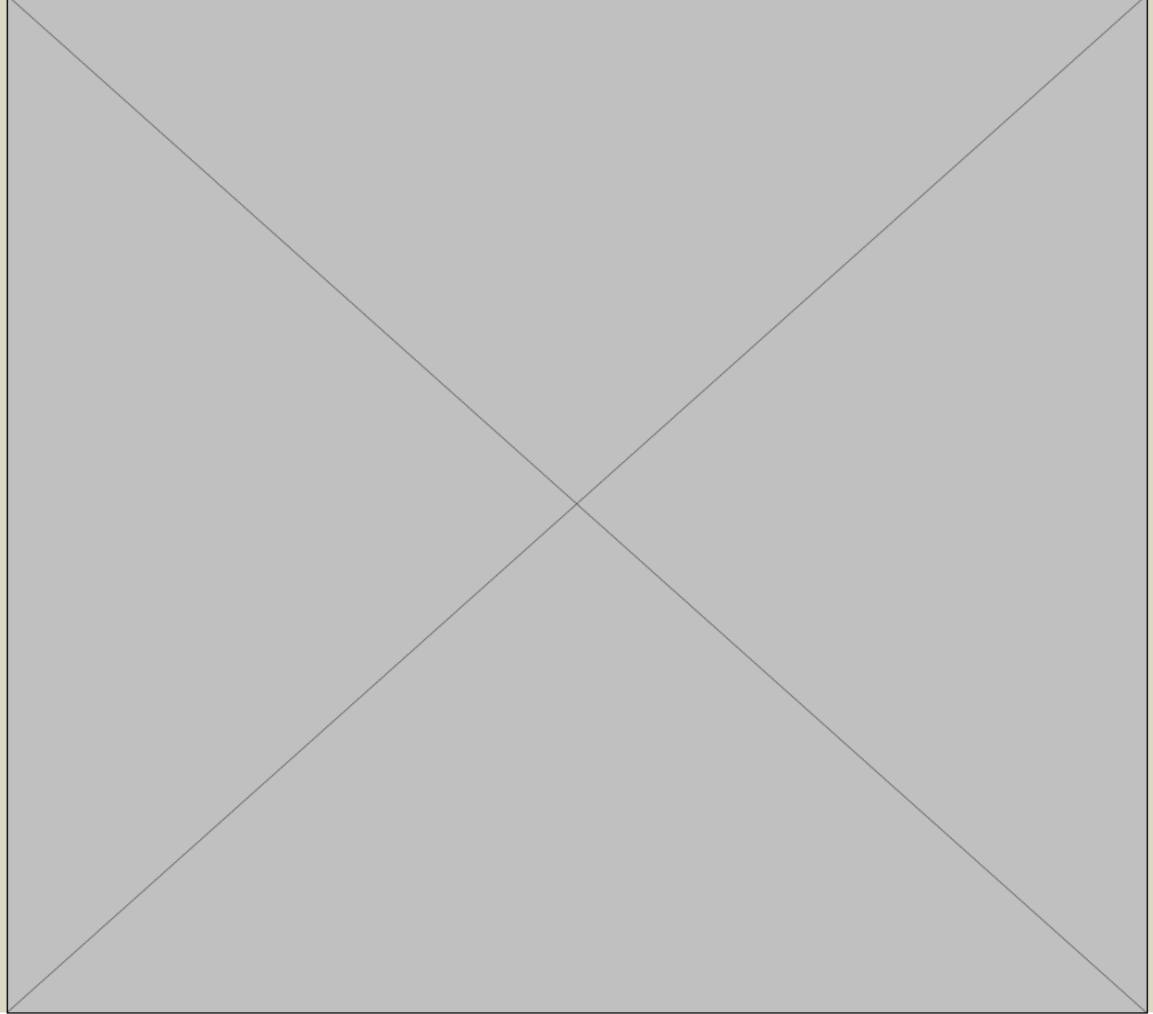
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### **Vanel pushes smart contracts bill**

When looking at the various knowledge gaps between elected officials and the tech industry, blockchain and distributed ledger technology rank pretty high. While many associate blockchain with cryptocurrencies like Bitcoin and Litecoin, some state lawmakers are working on how the state can take advantage of the possibilities the tech holds – like more secure means of holding and transmitting information.

At a panel hosted by Smart Cities New York on Tuesday, Assemblyman Clyde Vanel joined government officials and industry experts to talk about use cases for blockchain, focusing largely on state legislation that would allow signatures, records, and contracts secured through the technology to be considered valid electronic signatures. The bill, sponsored by state Sen. Diane Savino, passed 60-0 in the state Senate, but is still in committee in the Assembly, where Vanel serves as the primary sponsor, alongside eight co-sponsors. This “**smart contracts**” bill is just one example of what’s possible with blockchain, Vanel said, mentioning an incident in 2016 that saw **200,000 New York voter records purged**. “If that was on distributed ledger technology, that would not happen.”

– *Annie McDonough*



*Moderator Vanessa Grellet, Sandra Ro, Assemblyman Clyde Vanel, Karen Bhatia and Jalak Jobanputra speak at Smart Cities New York. ANNIE MCDONOUGH*

## THE LATEST

### **Lawmakers propose facial recognition ban**

In the same week that San Francisco voted to become the first city in the United States to ban government use of facial recognition surveillance, New York state Sen. Brad Hoylman and Assemblywoman Latrice Walker introduced legislation banning its use by residential landlords. ([Gizmodo](#))

### **School bus camera bill passes state Senate**

New York City's school bus contractors said they have the green light to begin installing "stop arm" cameras to crack down on reckless drivers after the bill allowing school districts to use the high-tech cameras passed the state Senate on Wednesday. It now goes to Gov. Andrew Cuomo for approval after previously passing the Assembly. ([New York Post](#))

### **Blade aircraft crashes into Hudson River**

A helicopter regularly contracted by Blade, an on-demand short-distance flight service billed as the "Uber for helicopters," crashed into the Hudson River in New York City on Wednesday; the pilot sustained non-life-threatening injuries. ([The Verge](#))

### **Driver union not thrown by NLRB ruling**

Following a ruling by the National Labor Relations Board that said gig workers like Uber drivers were contractors and not employees, driver groups like the New York Taxi Workers

Alliance said the blow will only make drivers' organizing efforts stronger. ([Bloomberg Law](#))

### **Microsoft leases office downtown**

Microsoft is planning a major office outpost in New York City, snatching up 70,000 square feet of space at the newly developed office tower at 300 Lafayette Street.

([New York Post](#))

### **Senate Dems haven't looked at e-bike bill**

State Senate Leader Andrea Stewart-Cousins said that Democrats haven't yet looked at a new bill introduced by state Sen. Jessica Ramos to legalize e-bikes and e-scooters, despite sponsors' efforts to pass the bill before the end of session. ([WSKG](#))

Don't miss this year's **Digital New York Summit on May 23rd** running all day at the National Geographic Encounter. This event brings together different voices from the private sector and government devoted to advancing information, innovation & communication. The Digital NY Summit fosters candid discussions and thought-provoking presentations while providing access and networking opportunities with New York's tech leaders. [Get your tickets today!](#)

### **Trump moves to ban foreign telecom equipment**

President Trump issued an executive order on Wednesday instructing Commerce Secretary Wilbur Ross to ban transactions of foreign-made equipment "posing an unacceptable risk," stepping up a battle against China by effectively barring sales by Huawei, the country's leading networking company. ([The New York Times](#))

### **White House ignores Christchurch call**

The United States broke with 18 governments and five top American tech firms Wednesday by declining to endorse a New Zealand-led effort to curb extremism online in response to the live-streamed shootings at two Christchurch mosques that killed 51; the White house cited free speech concerns as the reason for hesitation.

([The Washington Post](#))

### **Congress to reconsider smart cities act**

Three Democratic members of Congress have reintroduced the Smart Cities and Communities Act, which would authorize \$1.1 billion in federal support over five years for local technology initiatives, despite a nearly identical version of the bill failing to pass in 2017. ([StateScoop](#))

### **Trickling into the HQ2 void**

Since Amazon dropped its plans to develop a second headquarters in Long Island City and bring 25,000 jobs to New York, new commercial tenants have continued to move in and tech companies have continued creating jobs across New York City. That's good news, but it doesn't come anywhere close to filling the massive economic hole left by Amazon's departure. ([Newsday](#))

## **ANALYSIS**

### **Communities are fighting 5G**

5G networks have only just begun to spread but a NIMBY problem already looms large, as states like California ready to block 5G infrastructure over aesthetic concerns alone. ([CityLab](#))

### **Facial recognition controversy is nothing new**

San Francisco became the first major American city to block law enforcement from using facial recognition software, but the debate around the technology has raged for years, with privacy worries take on new urgency as the technology has improved and spread by leaps and bounds. ([The New York Times](#))

## **PROFILES**

### **Blueground looks to medium-term rentals**

Blueground, a New York-based real estate tech company, offers medium-term leases – a month or two at a time – to renters in cities across the country who want to try out a neighborhood or crash for a few months without having to commit to a year-long lease. ([The Washington Post](#))

## **MILESTONES**

**MOVING ON:** Connecture founder **Mark Poling** is [joining](#) Zipari as chief product officer.

**HAPPY BIRTHDAY:** **Andrew Kennedy**, president and chief executive officer of the Center for Economic Growth and former assistant secretary for economic development under Gov. Andrew Cuomo.

## THIS WEEK'S EVENTS

- May 16 – **Nexus 2019** (60 Furman St., Brooklyn)
- May 16 – **Digital Inclusion Conference 2019** (320 E. 43rd St., Manhattan)
- May 16 – **Designing FinTech Experiences For All** (41 E. 11th St., Manhattan)
- May 17 – **Machine Learning in Finance Workshop 2019** (2920 Broadway, Manhattan)
- May 17 – **Disrupt Food Summit** (1871 Broadway, Manhattan)
- May 18 – **brunchwork w/ First Round Capital** (118 W. 22nd St., Manhattan)
- May 20 – **Pillars of Trusted AI** (29 Little West St., Manhattan)
- May 20 – **Speaking Truth: Media and Technology** (19 Morris Ave., Brooklyn)
- May 20-23 – **The Wall Street Journal: Future of Festival** (50 Varick St., Manhattan)
- May 21 – **Balancing Culture with Scale: NYC Local Launch** (303 Spring St., Manhattan)
- May 22 – **May Meetup @ Google** (111 Eighth Ave., Manhattan)
- May 23 – **Talk Data to Me** (902 Broadway, Manhattan)
- May 23 – **Machines + Media 2019** (731 Lexington Ave., Manhattan)

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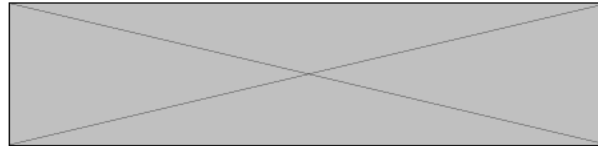
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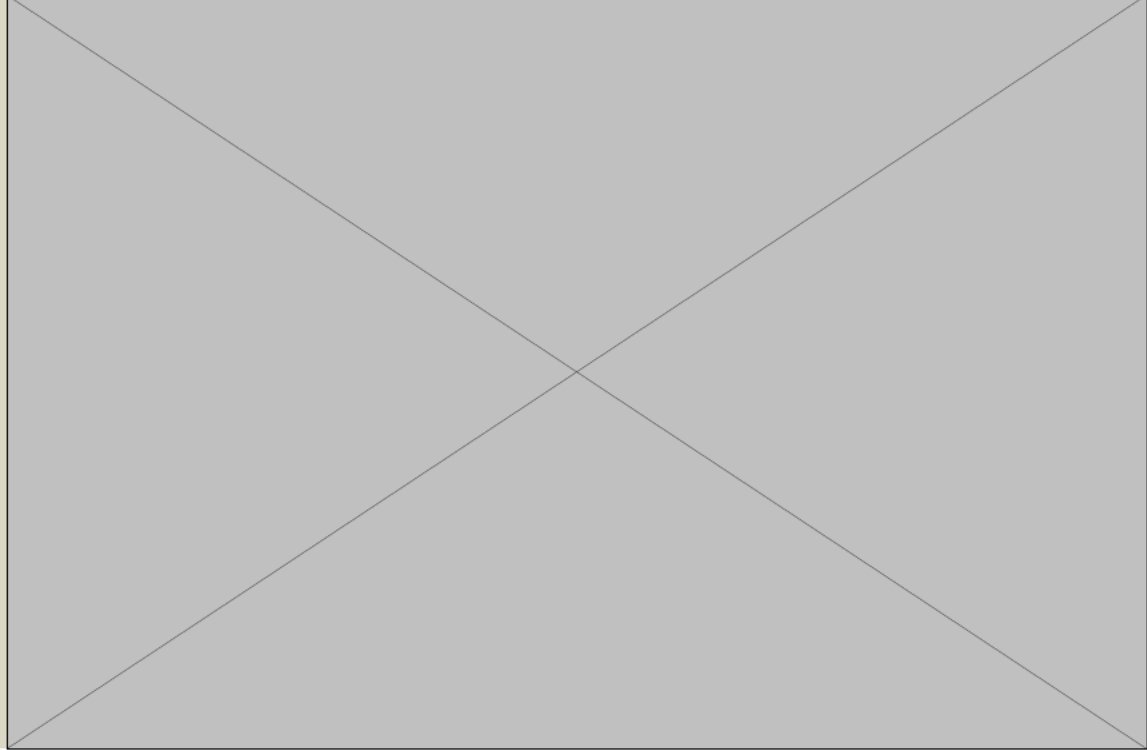
### **Ride-hail still lags on accessibility**

New York City is not an easy place to navigate in a wheelchair. Between **hard-to-reach** subway stations and an Access-A-Ride program **plagued by problems**, the city can hardly be called accessible. Now, **a new report** from New York Lawyers for the Public Interest suggests that the various app-based ride-hail companies operating in New York aren't doing much to combat this lack of accessibility.

New York City's Taxi and Limousine Commission has rules for these for-hire vehicle companies, namely that they either dispatch a minimum percentage of trips with wheelchair-accessible vehicles or respond to at least 60% of rider requests for accessible vehicles within 15 minutes. For-hire vehicle companies can also partner with qualified accessible-vehicle dispatchers to meet that requirement. But despite all this, NYLPI's report shows that Uber, Lyft and Juno provide far less reliable service for disabled riders than for able-bodied riders.

Lyft is also facing a **class-action suit** in White Plains, New York, claiming that the company discriminates against disabled people. In response, Lyft has argued that it isn't subject to requirements for transportation companies in the Americans with Disabilities Act because it is not a transportation company, but an app company.

— **Annie McDonough**



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## THE LATEST

### **Liu, Ortiz propose texting ban**

State Sen. John Liu and Assemblyman Felix Ortiz introduced a bill this week that would ban texting while crossing the street, citing safety concerns that in some cases have proven deadly, with fines for first-time and repeat violations ranging from \$25 to \$250. ([New York Post](#))

### **NYC buys more electric vehicles**

New York City's Department of Citywide Administrative Services is revving up the conversion of its vehicular fleet to battery power by buying 2,200 electric vehicles to replace gas-fueled automobiles in its quest to have 4,000 of the electric models by 2025. ([Crain's New York Business](#))

### **NYPD used celebrity photos for facial recognition**

The New York Police Department allegedly abused its facial recognition system by editing suspects' photos – and by uploading celebrity lookalikes – in an effort to identify people wanted for crimes, according to a Georgetown Center on Privacy and Technology report released on Thursday. ([NBC News](#))

### **Schumer presses for more military tech**

U.S. Sen. Chuck Schumer is pressing the Senate Armed Service Committee to ask the Pentagon for new military technologies for aircrews, citing the 2018 helicopter crash in Iraq that killed four members of a Long Island-based National Guard rescue team that the senator said could have been avoided. ([Newsday](#))

### **IDG forms drivers' mental health group**

The Independent Drivers Guild – an organized-labor group that supports New York's drivers for Uber, Lyft, and other rideshare services – has formed a driver wellness

center offering counseling, classes, and group therapy in an attempt to provide mental health services for an industry in which nine drivers have died by suicide in the last year. ([Quartz](#))

Don't miss this year's **Digital New York Summit on May 23rd** running all day at the National Geographic Encounter. This event brings together different voices from the private sector and government devoted to advancing information, innovation & communication. The Digital NY Summit fosters candid discussions and thought-provoking presentations while providing access and networking opportunities with New York's tech leaders. [Get your tickets today!](#)

### **Phone carriers end location data sharing**

The four major phone carriers have told the Federal Communications Commission that they are no longer sharing customers' location data with third parties after the companies' data-sharing practices came under increased scrutiny from regulators this year. ([The Hill](#))

### **Musk delays internet satellite launch**

For the second time in two nights, SpaceX, the private rocket company founded by Elon Musk, said on Thursday that it would postpone the launch of dozens of satellites in an attempt to launch Starlink, the company's bid to get into the space-based internet business. ([The New York Times](#))

### **Export clampdown will sting Silicon Valley**

The U.S. Commerce Department's move to clamp down on exports to Huawei Technologies, requiring its U.S. suppliers to apply for licenses to sell to the firm, will sting Silicon Valley, which supplies many advanced components for Huawei, the world's leading telecommunications gear provider. ([The Wall Street Journal](#))

### **White House launches bias reporting tool**

The White House launched a tool this week that allows people to report possible "political bias" by social media companies, following accusations by President Trump and top Republicans that social media companies have been censoring right-wing voices. ([The Hill](#))

## **OPINION**

### **Facial recognition must be put on hold**

This week, San Francisco's board of supervisors voted to ban the use of facial-recognition technology by the city's police and other agencies. States, cities and the federal government should impose an immediate moratorium on facial recognition. Let's not jump into an all-seeing future without understanding the risks at hand. (Farhad Manjoo, [The New York Times](#))

## ANALYSIS

### **U.S. government won't decide ride-hail drivers' future**

The U.S. National Labor Relations Board's decision that Uber drivers are independent contractors is a blow to unionizing efforts. But the future for Uber drivers won't be decided by the federal government, because the best advances in working conditions for ride-hail drivers have come from local governments like New York City. (Quartz)

### **Tech companies are shaping AI rules**

As policymakers consider installing guardrails on artificial intelligence to prevent harm to society, tech companies are taking a close interest – and, in some cases, appear to be trying to steer construction of any new guardrails to their own benefit. (Wired)

### **Electric revolution starts with buses**

A new report from Bloomberg's New Energy Finance estimates that electric vehicle buying will soon outpace conventional car sales, but it's the municipal bus that's at the forefront of the electric-vehicle revolution, with municipalities like New York City citing their lower long-term cost as the best option for the future. (Quartz)

## PROFILES

### **Cornell professor launching his own coin**

Emin Gun Sirer, a crypto professor at Cornell University, is launching his own cryptocurrency coin and network – called Ava – promising high throughput, fast confirmation times of transactions, and support applications ranging from supply-chain tracking to keeping tabs on securities and gold. (Crain's New York Business)

## MILESTONES

**MOVING ON:** Former Apple executive **Angela Ahrendts** is **joining** Airbnb's board of directors.

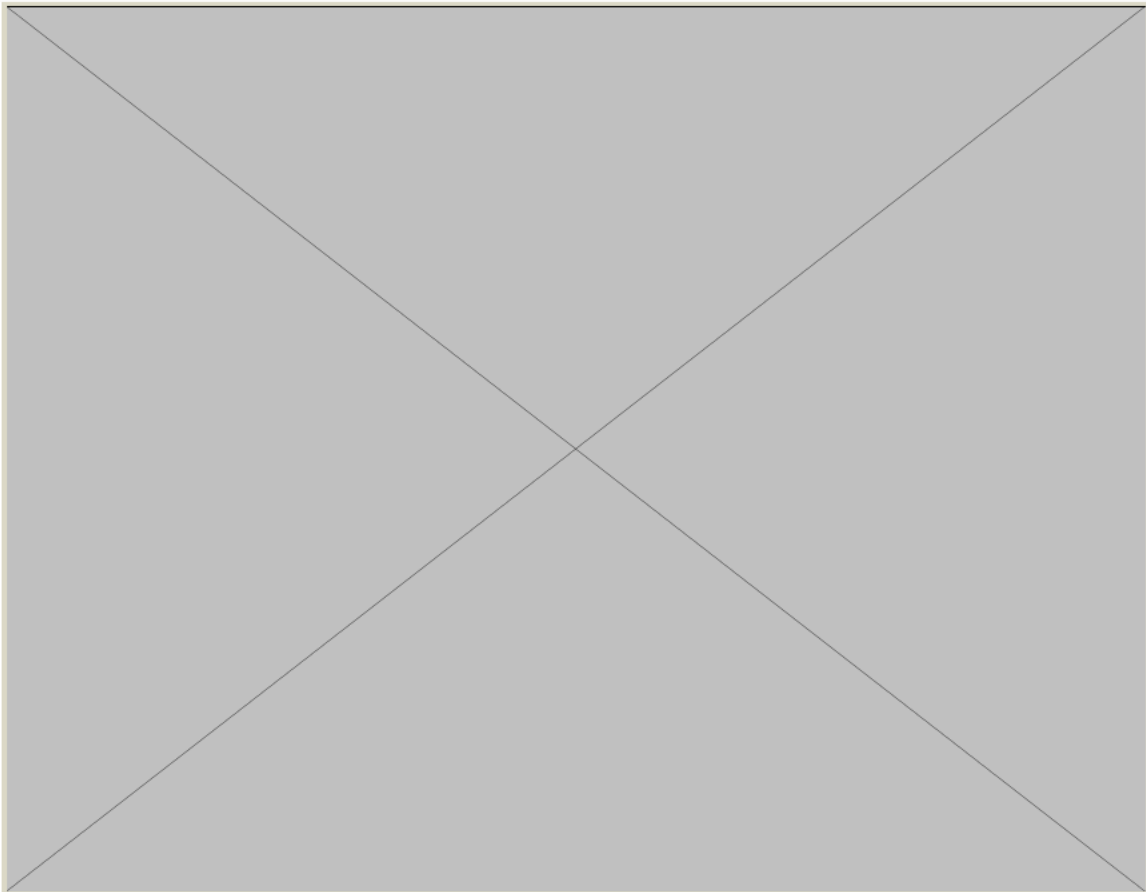
**HAPPY BIRTHDAY:** To **Camille Joseph-Goldman**, regional vice president for state government affairs at Charter Communications and former New York City Deputy Comptroller for Public Affairs ... to **Jenna Lowenstein**, founder of Most Good and former digital director for Hillary for America ... and on Saturday, to **Roberto Celestin**, advocacy lead at Airbnb.

## THIS WEEK'S EVENTS

- May 17 – **Machine Learning in Finance Workshop 2019** (2920 Broadway, Manhattan)
- May 17 – **Disrupt Food Summit** (1871 Broadway, Manhattan)
- May 18 – **brunchwork w/ First Round Capital** (118 W. 22nd St., Manhattan)
- May 20 – **Pillars of Trusted AI** (29 Little West St., Manhattan)
- May 20 – **Speaking Truth: Media and Technology** (19 Morris Ave., Brooklyn)
- May 20-23 – **The Wall Street Journal: Future of Festival** (50 Varick St., Manhattan)
- May 21 – **Balancing Culture with Scale: NYC Local Launch** (303 Spring St., Manhattan)
- May 22 – **May Meetup @ Google** (111 Eighth Ave., Manhattan)
- May 23 – **Talk Data to Me** (902 Broadway, Manhattan)
- May 23 – **Machines + Media 2019** (731 Lexington Ave., Manhattan)

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## Alabama, San Francisco, Boeing: Your Wednesday Briefing

New York Times

. • The **New York Times** has 15 bureaus in the U.S. and 31 international bureaus, including in Beijing; Johannesburg; Moscow; and Sydney, Australia.... examined by the

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## Harvey Weinstein's Former Studio Seeks Liquidation in Bankruptcy Court

New York Times



**New York** and has pleaded not guilty. The move to liquidate requires approval by the bankruptcy judge... the **New**

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## **The Weinstein Company is cutting its losses after the fallout from Harvey Weinstein's alleged sexual-misconduct scandal. It now plans to sell off its remaining assets.**

Business Insider

**New York Attorney General Letitia ...**

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## **The NRA is imploding. We have fancy clothes to thank for that.; The high-living gun lobbyists do not have rural America's interests at heart.**

The Washington Post

**General Letitia James** is investigating the NRA's tax-exempt status. People abroad who wish our... latest of these stories, a helpfully extens...

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## Met Museum Will No Longer Take Money From OxyContin's Sackler Family

HuffPost

, Purdue Pharma. The Metropolitan Museum of Art in **New York** City will no longer accept money from... that led to the national opioid epidemic, NPR reported.

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## Bill Targeting Trump Pardons Gains Steam in New York Assembly

The Wall Street Journal

**Attorney General Letitia James**, a Democrat, to close what she calls the "double jeopardy loophole." .....Democrat-sponsored legislation aime...

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## Another Towering Blas fail

New York Post

and the City of **New York**. The mayor's aim, pure and simple, was to get attention by singling out... than de Blasio has of becoming president. Unfortunately, he's not the only

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## Met to reject gifts from Sacklers amid fury over opioid crisis

New York Post

named as defendants in a lawsuit announced in March by **New York Attorney General**

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## State AGs protest ALI consumer contract restatement ahead of May 22 vote

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clearly disagree. Led by **New York AG Letitia James**, they contend that the restatement would

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## Flatbush Chooses Farah Louis For City Council

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## Harvey Weinstein Plaintiffs Oppose TWC's Move to Hire More Lawyers

The Hollywood Reporter

(excluding the tort victims)," writes **attorney** Jeffrey Waxman. The AG's office and Weinstein... defunct studio's former directors and officers amid opposition from **New**

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## Met museum nixes donations from Purdue Pharma's Sackler family amid opioid uproar

Washington Examiner

, and the public should expect it." The Sacklers have dismissed the **New York**

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## CVS will now require third-party testing of supplements. Is it enough?

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## Mnuchin On Defying Tax Return Demand: Let The Courts Decide What I Can Do | Talking Points Memo

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## Harvey Weinstein's former studio seeks liquidation in bankruptcy court

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## NRA cash machine sputtering; Use of foundation funds scrutinized by N.Y. officials

The Boston Globe

-decade in 2017. A legal battle in **New York** threatens a gun owners' insurance program that the NRA had... tax records by The **New**

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## New York Attorney General Could Reveal NRA Cash Flows

Talking Points Memo

Money was supposedly flowing from the NRA to Ackerman, and then back to LaPierre via his Ackerman-issued credit card to cover various luxurious expenses. Member Exclusive Deep Dive 05.15.19.

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## NRAAM 2019, Full of Sound Fury, Signifying Nothing? Recap for the Record

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patient, and while we... **General** Laticia James, announcing that t...

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## Leaked NRA Docs Bad News For LaPierre | Talking Points Memo

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## Harvey Weinstein’s former studio seeks liquidation in bankruptcy court

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for an ongoing investigation into the non-profit by **New York Attorney General**

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## In Victory for Grassroots Campaign, Met Museum Will Stop Accepting Donations From Opioid Crisis-Fueling Sackler Family

Common Dreams

—to be counter to the **New York** City museum's mission. "On occasion, we feel it's necessary to step... president Daniel Weiss told the **New**

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magical math problem. The **New York Times** got its hands on some of the NRA's tax documents and found that... alive. No wonder **New**

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## NRA board member criticizes Wayne LaPierre

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petitioner's **attorney**, lays out in the writ of certiorari[2]why he thinks **New York City's** ban did not apply... Trump/the Trump Administration...

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as possible. In addition to the legal steps Cuomo and **Attorney General Letitia James** promise to

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## AG Ready to Sue if Allure Group Doesn't Build LES Health Care Facility by 2022

Bowery Boogie

**General** last year, the Allure Group is on the hook for \$750,000 in penalties and costs to the State... could construct a new facility. Paul Mahoney, assistant deputy **attorney gene...**

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## EPA prepared to face PCB lawsuit over Hudson River declaration, administrator says

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. Andrew Cuomo and state **Attorney General Letitia James** announced that the state will sue the EPA... Site Community Advisory Group.Lopez made ...

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## **EPA says it expects to face PCB lawsuit**

[www.dailygazette.com](http://www.dailygazette.com)

General **Letitia James** announced that the state will sue the EPA, but the state has yet to follow... made his statements as **New**

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## NRA records show cash problems

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problems. A review of tax records by The **New York Times** shows that, to steady its finances, the powerful... issues being examined in a new investigation into the NRA's tax-exempt ...

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## And Iran Iran So Far Away. Wonkagenda For Wed., May 15, 2019

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extremist rhetoric,[32] and concludes that this is a platform problem, not a magical math problem. The **New... York Times** got its hands on some of the NRA's tax documents[33] and f...

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extremist rhetoric,[32] and concludes that this is a platform problem, not a magical math problem. The **New... York Times** got its hands on some of the NRA's tax documents[33] and f...

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extremist rhetoric,[32] and concludes that this is a platform problem, not a magical math problem. The **New... York Times** got its hands on some of the NRA's tax documents[33] and f...

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## Ron Paul: Americans' liberty and prosperity will never be secure until Congress repeals two great mistakes of 1913: the income tax and the Federal Reserve

IWB

**general** is suing the IRS to force the agency to reinstate the regulation. The right of...Last week the **New York Times** published some of Presi...

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## NRA board member criticizes Wayne LaPierre, urges group to 'clean' house - KPAX.com

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had launched an investigation into the NRA, which is chartered in **New York**. CNN News... justify its billing. And last month, the office of **New**

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## **NRA board member criticizes Wayne LaPierre**

KOAM News Now

FAIRFAX, Va. - The turmoil confronting the National Rifle Association ramped up this week with a well-known board member and former congressman calling for the organization to abandon its longtime chief executive. Former Florida Rep. Allen West on Tuesday ...

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## **Allen West Calls for Wayne LaPierre Resignation in Wake of Leaked NRA Memos**

The Liberty Eagle

the Daily Beast, the **New York** Times, the New Yorker, and the Wall Street Journal in the run up to... on airfare between Washington and **New**

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## **Harvey Weinstein's former film studio plans to**

## liquidate in bankruptcy

KFGO News

4:29 p.m. CDT By Jim Christie and Jonathan Stempel (Reuters) - The film studio once run by Harvey Weinstein said it plans to liquidate in bankruptcy, as it tries to resolve civil lawsuits against former directors and officers arising from sexual misconduct...

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## As Leaks Show Lavish NRA Spending, Former Staff Detail Poor Conditions At Nonprofit

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sending out requests for money, saying they might go bankrupt in their legal fight with **New York**. They're... **New**

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## New York AG Investigating NRA Foundation's Ties to Lobbying Group

Philanthropy News Digest

organization's finances, the **New York Times** reports. In addition to an internal power struggle between NRA... foundation received separate letters from

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Uchida)

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## **E.J. Dionne Jr.: NRA gang can't shoot straight**

Berkshire Eagle

organization's sketchy internal workings because **New York Attorney General**

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## **Farah Louis wins special election for City Council seat**

brooklyneagle.com

**Letitia James** as **New York** City public advocate. James was elected **New**

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## **As Leaks Show Lavish NRA Spending, Former Staff Detail Poor Conditions At Nonprofit | KGOU**

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Association has to deal with the launch of a new investigation by the **New York Attorney General** and num...

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WOSU Radio

with **New York**. They're going through all of this drama of saying they need money, while they are... investigation by the **New**

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**Tether and Bitfinex Asked for Use Their Cash Reserves and Removal of the New York Attorney General...**

Medium

of the stablecoin issuer Tether and the affiliated **crypto** exchange **Bitfinex** .  
According to some new... the NYAG or **New**

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## Wild Crypto Market's Traders Get Something New: FDIC Protection

Yahoo Finance

\$208 billion **crypto** market, is partnering with **New York**-based M.Y. Safra Bank to offer its traders... **cryptocu...**

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## Tether and Bitfinex Ask New York Attorney General for Fund Accessibility

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## Bitcoin Rally Is Masking Capital Flight From Crypto Exchanges

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shows that **Bitfinex** had net outflows of more than \$1.7 billion of **Bitcoin** and Ether from the.... **Bitfinex** and Tether dispute the allegation a...

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## As bitcoin soars again, has crypto winter turned to spring?

Quartz

the sidelines of Consensus-a **cryptocurrency** industry conference in **New York** this week-also pointed to..., one of the largest

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## Tether Scandal: This is the #1 Governance Failure no one is Talking About

Hackernoon

. That was, until the **Bitfinex** scandal. Last month, the **New York Attorney**

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## Tether and Bitfinex Ask New York Attorney General for Fund Accessibility

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## Capital Outflows From Major Crypto Exchanges Exceeded Inflows by ~\$622 Mln in Recent Days

Cointelegraph

on multiple **crypto** trading platforms — including **Bitfinex**, BitMEX, Binance and Kraken. While... issuer Tether. As reported, the **New**

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Financial Review

more than \$US1.7 billion of **bitcoin** and ether from the exchange since April 26, after **New York's attorney**

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exchange it to **Bitcoin**." Data from TokenAnalyst shows that **Bitfinex** had net outflows of more than... **general** alleged the companies engaged in...

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connection with ongoing activities that the **Attorney** General alleges may have defrauded **New York** investors... confirms that the

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The Business Times

." Data from TokenAnalyst shows that **Bitfinex** had net outflows of more than US\$1.7 billion of **Bitcoin...** funds as a loan. **Bitcoin** traded at a ...

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**York** Office of the **Attorney** General (NYOAG).In a letter[1] sent to the **New**

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## **DECENT Updates Wallet Ecosystem, Reduces Transaction Fees by 80%**

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## **New report by cryptocurrency analysts reveals major spike of criminal activity in cryptocurrency including \$357 million in cryptocurrency theft**

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/Tether situation within the report. This recent case involved an alleged fraud discovered by the **New York State**...

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## Blockchain Week in Review: Week of May 6–10, 2019

Virtual Currency Report

**General** (“NYAG”), a **New York** state judge ordered that the NYAG’s preliminary injunction against... **Bitcoin**

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### Wednesday Crypto Market Movers: RVN, DGB, XTZ, PAI, XVG

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cryptoexpo.asia 1h 1h **Bitcoin** Cash Bug... cryptoexpo.asia 1h 1h **Bitcoin** [BTC]:  
US...

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### Just 376 People Found to Own a Third of All Ether Cryptocurrency

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38m **Bitcoin** hasn't gone up this much, this fast since the heady days of 2017 —  
and no one is... Hitting 4-Month High cryptoexpo.asia 1h 1h Tether and **Bitfinex**  
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April 26, after **New York's Attorney General** alleged the companies engaged in a coverup.

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## Bitfinex, short sellers, and institutional investors are responsible for bitcoin's rally

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ether from the exchange since April 26, after **New York's attorney general** alleged the companies engaged...

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## Bitcoin adds market share as crypto winter turns to summer

Malaysian Reserve

, such as troubles for major exchange **Bitfinex**, which has been accused by the **New York attorney**

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## Tether and Bitfinex Ask New York Supreme Court for Help

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**Attorney** General (NYOAG) accused Tether and **Bitfinex** of serious wrongdoing. The authority suspects that... turned to the **New**

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in **Bitcoin** from Hack On May 7, 2019, **crypto** exchange Binance announced that it had been the victim... **General** ("NYAG"), a

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## Wall Street Bitcoin Traders DGAF About Tether's Massive Scandal

SCMOPEX

for **crypto** appears to be rising. At the end of last month, Grayscale **Bitcoin** Investment Trust inflows... Tether's all tangled up in it as well. **New<...**

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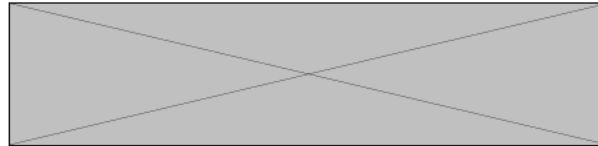
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Tech fuels downtown growth ... Cuomo signs bus camera bill ... and more of today's tech news

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MONDAY, MAY 13, 2019

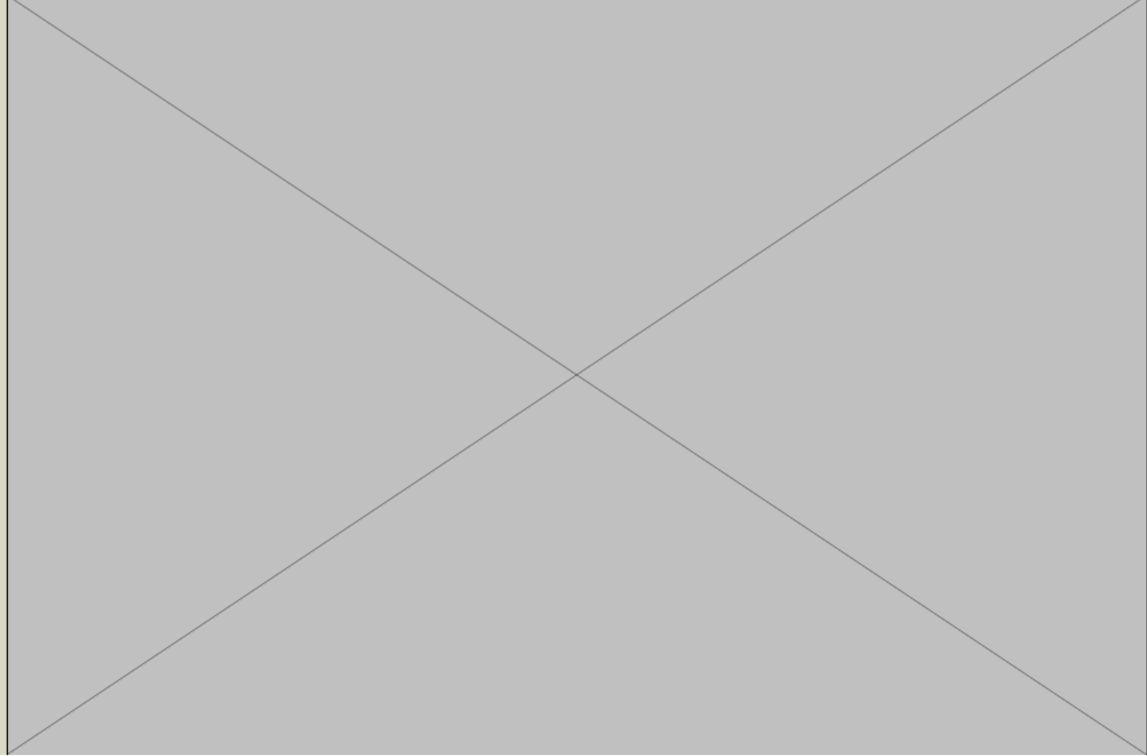
### Lower Manhattan's tech-fueled growth

Private-sector employment in Lower Manhattan has reached its highest level since the September 11th terrorist attacks in 2001, according to a new [analysis](#) reported by [The Wall Street Journal](#). The analysis, conducted by the business organization Alliance for Downtown New York, found that private-sector employment in Lower Manhattan consisted of 251,334 jobs in the third quarter of 2018, driven in no small part by the downtown growth of the tech sector.

While Big Tech companies like Google and Facebook have traditionally staked out territory in Chelsea and the Flatiron District, other tech companies are claiming leases further downtown. The report highlights The We Company, Better.com, and HelloFresh as three of Lower Manhattan's top 15 leases for the first quarter of 2019, alongside leasing by media and marketing firms.

The report attributes some of this growth to migration from Midtown South, where tech companies like Zola, an online wedding registry, and Asana, a software company, were once located before moving into Lower Manhattan.

— [Annie McDonough](#)



*3 World Trade Center Building with 4 World Trade Center in the background and 1 World Trade Center in the foreground. SHUTTERSTOCK*

## THE LATEST

### **Cuomo signs bus camera bill**

Gov. Andrew Cuomo signed legislation on Sunday allowing New York City to expand the number of speed limit-enforcing cameras in school zones, giving city officials the authority to add another 610 cameras. ([New York Daily News](#))

### **Syracuse moves toward 5G safety**

Pressured by safety concerns over 5G technology, Syracuse officials negotiated the right to conduct on-demand safety inspections of a new generation of cell phone antennas as part of their bid to become one of America's first 5G-connected cities. ([The Post-Standard](#))

### **Schumer backs robocall legislation**

U.S. Sen. Chuck Schumer voiced support for a new bill that would increase fines and extend the statute of limitations for robocalling, noting that phone scammers flooded New Yorkers with 293 million robocalls in April alone. ([New York Daily News](#))

### **Katko, Rice back IT training**

Two U.S. Congress members from New York, John Katko and Kathleen Rice, introduced legislation that would require members and employees of the House of Representatives to undergo annual cybersecurity and information technology training. ([The Hill](#))

### **Bus camera pilot shows bad behavior**

Video captured by a bus camera pilot program on Long Island shows that a staggering number of drivers blow past stopped school buses on a daily basis, which some say shows the need for legislation agreed on last week that will let cops ticket

reckless drivers captured on bus cameras. ([New York Daily News](#))

### **Cusick, Fall attempt to secure energy grid**

New York Assemblymen Michael Cusick and Charles Fall introduced legislation that would add more security measures to the definition of “critical infrastructure” of energy grids, referencing an incident in 2017 that gave hackers unfettered access to a small power plant in upstate New York. ([Government Technology](#))

Don't miss this year's **Digital New York Summit on May 23rd** running all day at the National Geographic Encounter. This event brings together different voices from the private sector and government devoted to advancing information, innovation & communication. The Digital NY Summit fosters candid discussions and thought-provoking presentations while providing access and networking opportunities with New York's tech leaders. [Get your tickets today!](#)

### **Uber, Lyft try to limit driver turnover**

With both Uber and Lyft now trading on the stock market, the two ride-hail companies are facing pressure to achieve rapid growth, but the high rate of driver turnover continues to present a challenge to the industry. ([The Wall Street Journal](#))

### **Amazon to crack down on toxic products**

Amazon has agreed to nationwide corporate reforms to crack down on sales of toxic school supplies after an investigation found nearly 16,000 purchases of products with illegal levels of cadmium and lead from the company. ([New York Daily News](#))

### **Democrats reintroduce election security bill**

House Democrats reintroduced the Election Security Act to protect U.S. election systems against cyberattacks, which would require President Trump to produce a “national strategy for protecting democratic institutions.” ([The Hill](#))

### **Hospitals face cyber concerns**

Hospitals across the country are pushing medical-device makers to improve cyber defenses of their internet-connected systems following increased concern over cyberattacks that could threaten patients and cause costly disruptions. ([The Wall Street Journal](#))

## **OPINION**

### **Rise of the micro-machines**

We are ready for electric bikes and scooters to usher in the micro-mobility revolution in New York City. It may be a messy few years of acclimation, but the proliferation of tiny vehicles could turn the gridlocked, car-centric, and deeply unfair city built by Robert Moses into a thriving, accessible, and much safer metropolis. (Jessie Singer,



### **Breaking up Facebook is not the answer**

Big in itself isn't bad. Facebook's success has given billions of people around the globe access to new ways of communicating with one another. Earning money from ads means we can provide those tools to people for free. Facebook shouldn't be broken up, but it does need to be held to account. (Nick Clegg, [The New York Times](#))

## **ANALYSIS**

### **Facial recognition policing proliferates**

The government "facial biometrics" market is expected to soar from \$136.9 million in 2018 to \$375 million by 2025, according to one estimate that demonstrates the importance of facial recognition to law enforcement, despite flaws in the technology. ([NBC New York](#))

### **Amazon's size is its own problem**

Amazon has become such a gigantic, powerful business that its inevitable missteps are beginning to erode trust in its products and services, goodwill in Washington, and its ability to achieve globe-spanning dominance, demonstrating that the breadth of Amazon's ambitions and its mounting problems are linked. ([The Wall Street Journal](#))

## **PROFILES**

### **Buffalo's high-tech hope**

Buffalo may never be Silicon Valley, but in ACV Auctions, a mobile app for car sales, the city has found its first truly breakout startup of the modern era, valued at more than \$600 million and employing more than 300 people in downtown Buffalo. ([The Buffalo News](#))

## **MILESTONES**

**HAPPY BIRTHDAY:** To state Sen. **Joseph Addabbo Jr.**

## **THIS WEEK'S EVENTS**

May 13-15 – **Smart Cities New York** (299 South St., Manhattan)

May 14 – **Health/Med Tech and the FDA: What You Need to Know** w/ former FDA Chief Counsel Rebecca Wood (2180 Third Ave., Manhattan)

May 14-15 – **Techonomy NYC: Collaborating for Responsible Growth** (117 W. 46th St., Manhattan)

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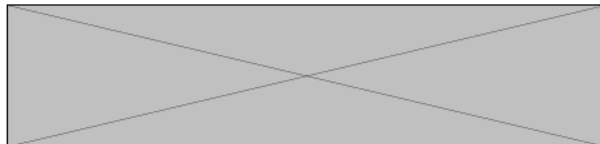
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*Citi e-bikes gone 'til fall ... Joshi praises ride-hail developments ... and more of today's tech news*

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TUESDAY, MAY 14, 2019

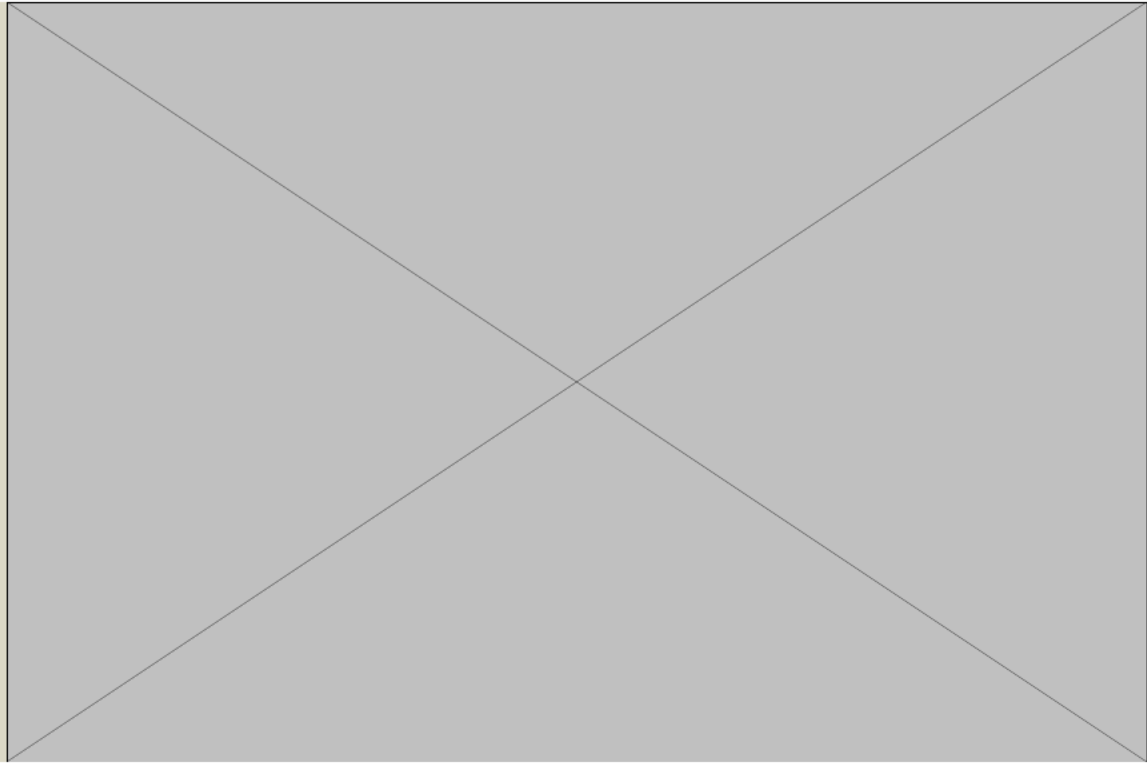
### **Citi e-bikes offline until fall**

As lawmakers in Albany gear up for a last-minute push to pass legislation legalizing electric bikes and scooters before session wraps up next month, e-bike fanatics in New York City received some bad news: Citi Bike's fleet of pedal-assist e-bikes – which are legal in New York City – **won't return to the streets** until the fall.

Last month, **Citi pulled its e-bikes** from New York City, as it had from Washington, D.C., and the San Francisco Bay area, after a number of riders were injured by a braking malfunction on the vehicles. Motivate, the Lyft-owned company that operates Citi Bikes, **characterized** the move as an abundantly cautious one. Nonetheless, the company's pedal-assist fleet had grown so popular in New York that the company announced plans to expand its e-bikes to 4,000 earlier this year. Those hoping for a hot summer commute eased by an extra boost on a pedal-assist bike will have to wait at least five months, when **Citi plans to introduce** a redesigned fleet.

Meanwhile, New York City Mayor Bill de Blasio is making no secret of his disdain for illegal throttle e-bikes – at least as they operate now. “We are trying to work with the state Legislature that has the jurisdiction on this, to figure out if there is a law that could legalize them appropriately, put limits on how they're used, lower the speed at which they can go – there is a physical way to modify the speed and, if we can figure out how to do that for existing e-bikes and help e-bike owners to do that, I'd be very willing to figure out a way to,” de Blasio said during an appearance on **WNYC Radio's “Brian Lehrer Show.”** “But the current situation is unacceptable and is dangerous.”

– **Annie McDonough**



SHUTTERSTOCK

## THE LATEST

### **Meera Joshi praises ride-hail developments**

Former Commissioner of New York City's Taxi and Limousine Commission, Meera Joshi, said the decision by Uber and Lyft to stop hiring drivers because of the city's cap on new ride-hail licenses is a positive development in the effort to combat driver saturation and congestion. ([Gotham Gazette](#))

### **Blockchain Week begins**

New York's Blockchain Week, which draws thousands from around the world, saw a markedly different atmosphere from last year, when participants displayed luxury cars as a reminder that crypto enthusiasts were building wealth despite a more than 50 percent plunge from record highs set six months earlier. ([Bloomberg](#))

### **Bitcoin makes comeback**

This year, Blockchain Week is coinciding with a recovery for cryptocurrency prices, with Bitcoin rising over 80 percent since the start of the year, and former skeptics like JPMorgan getting on board for crypto. ([Yahoo Finance](#))

### **NYC among best cities for startups**

A new report by the accelerator and research group Startup Genome ranked New York City as one of the best cities for startups, with the report arguing that cities don't need to be the "next Silicon Valley," but can instead become hubs around individual sub-industries. ([Smart Cities Dive](#))

Don't miss this year's **Digital New York Summit on May 23rd** running all day at the

National Geographic Encounter. This event brings together different voices from the private sector and government devoted to advancing information, innovation & communication. The Digital NY Summit fosters candid discussions and thought-provoking presentations while providing access and networking opportunities with New York's tech leaders. [Get your tickets today!](#)

### **Supreme Court allows Apple antitrust suit**

An antitrust class action lawsuit against Apple that claims the tech giant has used monopoly power to raise the prices of iPhone apps is facing numerous legal hurdles, but it cleared one on Monday when the U.S. Supreme Court allowed the action to proceed. ([The New York Times](#))

### **Booker's tech ties could bind**

In 2012, U.S. Sen. Cory Booker served as founder of the now-shuttered social media company Waywire – a fact that could resurface as a political liability at a time when many Americans, including Booker and his Democratic rivals, are calling for tougher regulations on tech companies. ([The Associated Press](#))

### **Ransomware attacks rising**

Publicly acknowledged ransomware attacks against state and local governments jumped 39 percent in 2018, according to a report by the cybersecurity firm Recorded Future, which identified 53 ransomware incidents involving state and local governments last year. ([StateScoop](#))

### **Israeli firm spied on activists**

An Israeli firm accused of supplying tools for spying on human-rights activists and journalists faces claims that its technology can use a security hole in WhatsApp to break into the digital communications of iPhone and Android phone users, via something as simple as a phone call using the app. ([The New York Times](#))

### **Amazon offers employees new deal**

Amazon announced on Monday an expansion of its Delivery Service Partner program, which includes an incentive of up to \$10,000 and three months pay to encourage employees to start their own package delivery company. ([TechCrunch](#))

### **Dems push congressional tech office**

Congressional Democrats are pushing to revive funding for a nonpartisan agency to better inform lawmakers about technology – something like the Office of Technology Assessment, which provided lawmakers and staffers with expertise on science and technology issues relevant to legislation and public policy before it was shuttered in 1995. ([The Hill](#))

### **Pro-Iran group spread fake news**

A new report from Citizen Lab, a research group at the University of Toronto, has identified a pro-Iranian influence operation that used elaborate lookalike websites and social media to spread bogus articles online and to attack Iran's adversaries. ([The New York Times](#))



## OPINION

### **ACV Auctions' technological triumph**

Joe Neiman and Dan Magnuszewski had the foresight, and appetite for risk, to co-found ACV Auctions – which makes an app used by car dealers to buy and sell used cars – and their company is positioned to become what may be 43North's first great breakout star and a real feather in Buffalo's cap. ([The Buffalo News](#))

### **Scooters as climate solution**

As New York considers various ambitious policies to combat climate change, it ought to also act quickly and decisively to authorize local governments to roll out micromobility programs, as even something as small as the electric scooter should be considered a potential climate solution. (Lime vice president Andrew Savage, [Gotham Gazette](#))

## ANALYSIS

### **Tech helped change U.S. war rooms**

From the secure Situation Room to the Tandberg video-teleconference monitor, staffers at the National Security Council have taken – and been expected by presidents to exert – ever-greater strategic and operational control, crafting military plans and orders, conducting diplomacy, and coordinating operations. ([Wired](#))

### **Your 5G phone won't hurt you**

5G – or fifth-generation – cell phones represent the vanguard of a new wireless era, but the technology is now being propagandized by the Russian network RT America, which is linking 5G signals to brain cancer, infertility, autism, heart tumors, and Alzheimer's disease, despite lacking scientific support. ([The New York Times](#))

## PROFILES

### **Waymo doesn't mind being boring**

Waymo, the autonomous vehicle developer owned by Alphabet, boasts that it's no Tesla or Uber, and instead favors a more measured approach to its driverless vehicles – a savvy move, considering low consumer confidence in autonomous vehicles. ([CityLab](#))

## MILESTONES



**MOVING ON:** Former deputy director at the Federal Bureau of Investigation, **Sean Joyce**, is **joining** Airbnb as its first chief trust officer.

**HAPPY BIRTHDAY:** To **Mark Zuckerberg**, founder and CEO of Facebook.

## THIS WEEK'S EVENTS

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May 14 – **Health/Med Tech and the FDA: What You Need to Know** w/ former FDA Chief Counsel Rebecca Wood (2180 Third Ave., Manhattan)

May 14 – **Bitcoin Fireside Chat w/ Peter Brandt and Tuur Demeester** (29 Broadway, Manhattan)

May 14-15 – **Smart Cities New York** (299 South St., Manhattan)

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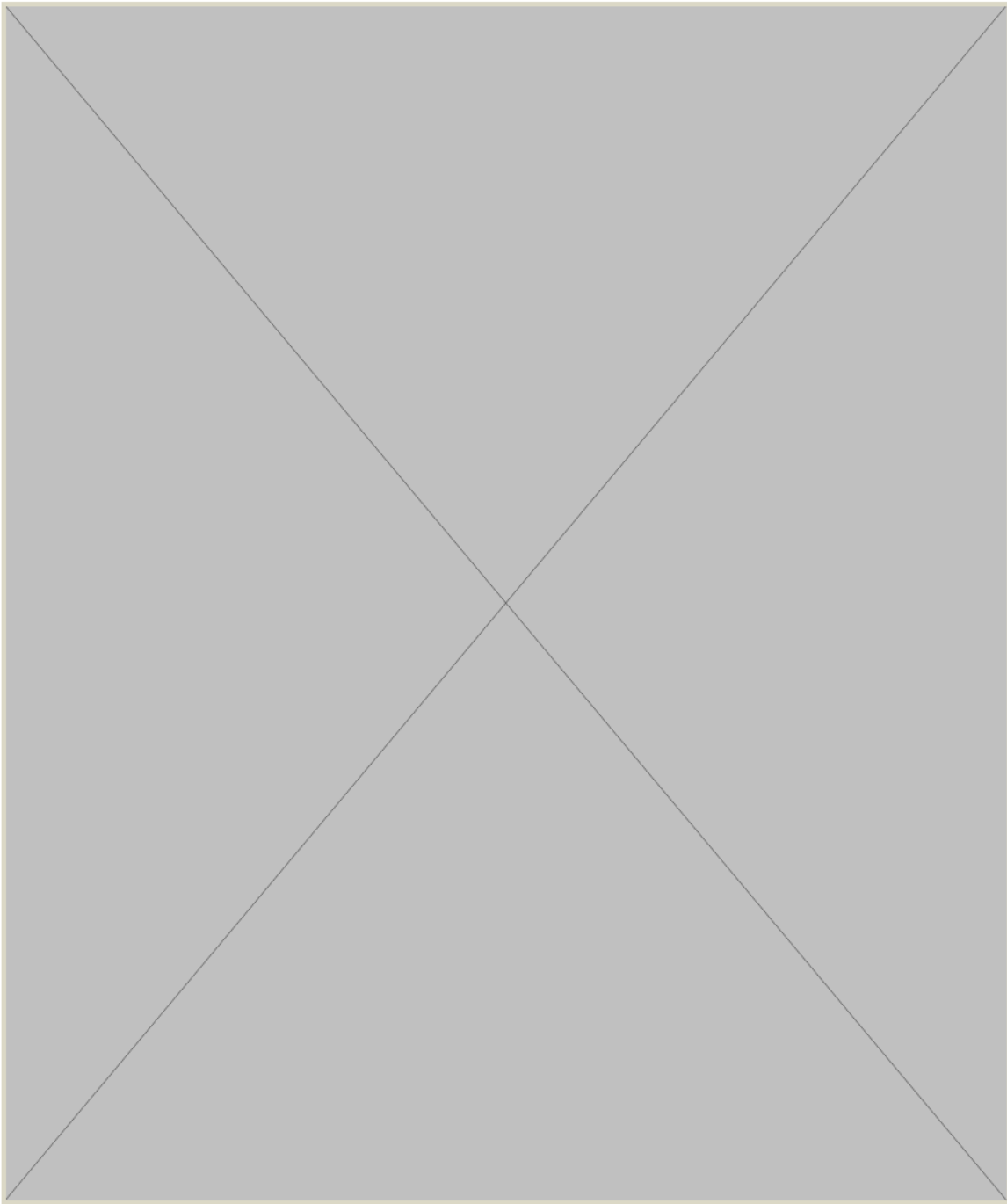
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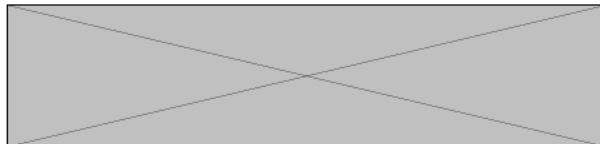
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*Patchett, Samuels talk state of tech ... Google's pollution problem ... and more of today's tech news*

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WEDNESDAY, MAY 15, 2019


### **Assessing the state of tech in New York City**

There is no arguing that New York City's tech sector is a robust one, as evidenced by a week packed with industry events, from Smart Cities New York to Blockchain Week. But after an at-times rocky year highlighted by the loss of Amazon's second headquarters, there is nonetheless some strategizing to do about how to continue the sector's growth at a time when some in the nonprofit and public sector are wary of that growth.

James Patchett, chief executive officer of New York City Economic Development Corporation, and Julie Samuels, executive director of the industry group Tech:NYC, took a stab at answering that question on Tuesday at a discussion hosted by Smart Cities New York. Ten years ago, Patchett said, New York was focused on becoming the next Silicon Valley. "Today, we've had so much success in technology, we're very much trying to not be Silicon Valley," he said, mentioning diversity, education, and transportation as the city's strengths.

Despite the loss of HQ2, Samuels said New York City is better positioned than Silicon Valley to tackle the challenge of public sector engagement. "When you think about what does the future of the technology sector look like nationally and internationally, you're going to see companies that need to engage with government earlier. You're going to see companies that need to engage with competitors earlier, with customers, with clients," she said. "And that is something that makes me feel so bullish on New York. That is, by default, the nature of New York. You can't live here and not be impacted and integrated into the whole city around you."

— *Annie McDonough*



*James Barnett, Julie Samuels and moderator Annie McDonough of City & State at Smart Cities New York. JULIE SAMUELS'S TWITTER PAGE*

## THE LATEST

### **De Blasio: Google one of city's worst polluters**

Google's New York City headquarters is the third-largest contributor of greenhouse gas emissions for a building in New York City, according to a spokesperson for Mayor Bill de Blasio. Under the mayor's Green New Deal, the company would face more than \$4 million in fines unless it makes the appropriate updates. ([Business Insider](#))

### **New York data recovery firm paid hackers ransom**

From 2015 to 2018, a strain of ransomware known as SamSam paralyzed computer networks across North America and the U.K, causing more than \$30 million in damage. Two data recovery firms – one of them Proven Data Recovery of Elmsford – promised victims an ethical way out, but instead paid the ransom and charged victims extra. ([ProPublica](#))

### **Uber launches data portal**

Uber launched a data portal in New York City and other locales on Tuesday that expands upon Uber Movement – a website that analyzes the company's data on a zone-by-zone basis – with speed data that can be used to help city planners infrastructure needs and congestion. ([Staten Island Advance](#))

### **New York falls in small business ranking**

New York City lost the top spot in a new ranking for small businesses by Biz2Credit, falling behind Miami as the best city for small businesses – some say the drop is due to the city's increasing rent and labor costs, and the rise of online retail and changing consumer behavior. ([Crain's New York Business](#))

### **Yang holds NYC rally**

Andrew Yang, the New York-raised entrepreneur and Democratic presidential

candidate, held one of his campaign's biggest rallies on Tuesday in Washington Square Park, where he shared his universal basic income plan targeted at combating automation, which he says will be paid for with more taxes on big tech companies like Amazon and Google. ([ABC News](#))

Don't miss this year's **Digital New York Summit on May 23rd** running all day at the National Geographic Encounter. This event brings together different voices from the private sector and government devoted to advancing information, innovation & communication. The Digital NY Summit fosters candid discussions and thought-provoking presentations while providing access and networking opportunities with New York's tech leaders. [Get your tickets today!](#)

### **San Francisco bans facial recognition tech**

In an 8-to-1 vote by its Board of Supervisors, San Francisco became the first major U.S. city to ban the use of facial recognition software by police and other agencies in an attempt to prevent potential abuse of the powerful technology, despite its expanding use by law enforcement across the country. ([The New York Times](#))

### **New Jersey legalizes e-bikes**

New Jersey Gov. Phil Murphy signed legislation legalizing e-bikes and e-scooters on city streets, provided the vehicles top out at 20 and 19 miles per hour, respectively, beating New York to the punch as the state continues to weigh legislation that would legalize the controversial vehicles. ([Streetsblog NYC](#))

### **NLRB: Uber workers are contractors**

The National Labor Relations Board handed an important victory to Uber by ruling that the company's drivers are contractors, not employees, dealing a blow to drivers' efforts to collectively demand higher pay and better working conditions from Uber and other ride-hail apps. ([The New York Times](#))

### **Florida elections hacked in 2016**

Florida Gov. Ron DeSantis said Tuesday that Russian hackers successfully gained access to voter data in two counties during the 2016 presidential election, a fact referenced in special counsel Robert Mueller's report on election interference. ([The Hill](#))

### **Google to launch European privacy hub**

Google chief executive Sundar Pichai announced plans on Tuesday to more than double its team of privacy experts in Germany, to more than 200, by the end of the year, as Europe looks to ramp up regulation of Big Tech and user data. ([CNBC](#))

**OPINION**

### **The equity case for e-bikes**

New York City's mass transit system has to stretch to reach lower-income communities – but it's not going to change soon. Legalizing e-bikes and e-scooters would go a long way in closing the transportation equity gap in areas that the current transit system has failed to serve. (Jonathan Westin, [City Limits](#))

### **The surveillance economy always wins**

We've built a society and economy that runs on surveillance, a world where the price for participation is tracking, targeting and disclosure of data. "Opting out" might as well mean heading to Walden Pond, and even there you'd be targeted by ads for self-reliance books on Amazon and 12 different iPhone meditation apps (Charlie Warzel, [The New York Times](#))

## **ANALYSIS**

### **The future of "Airbnb for cars"**

Another great battle between old-school services and digital-era platforms has begun with the rise of peer-to-peer car-sharing companies like Turo: 34 state legislatures are considering bills that would require them to follow the same regulations as rental car companies – an effort backed by those old-school services like Enterprise Rent-a-Car. ([CityLab](#))

## **PROFILES**

### **A social network for smart cities**

The Atlas, a website that maintains a database of various city projects, is now expanding to provide a social media infrastructure for city officials to talk about their work in an attempt to share successes and failures, and to find effective smart city solutions. ([StateScoop](#))

## **MILESTONES**

**HAPPY BIRTHDAY:** To **Nick Confessore**, reporter for The New York Times.

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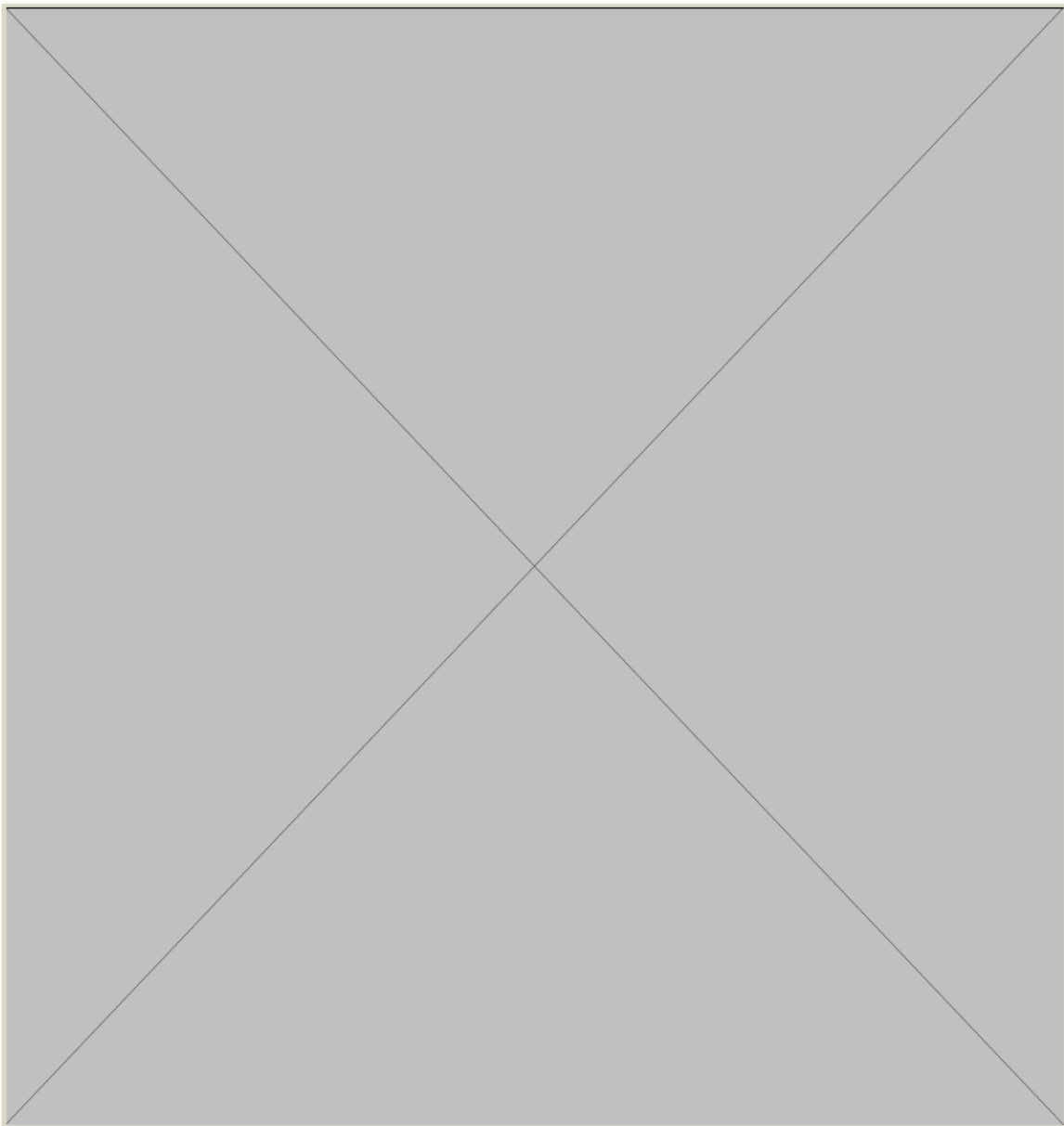
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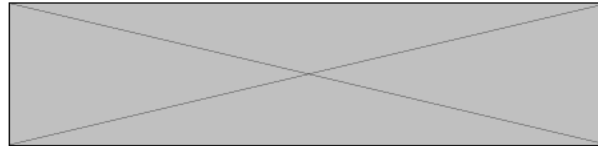
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Facebook co-founder calls for breakup ... Ithaca to get e-scooter pilot ... and more of today's tech news

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FRIDAY, MAY 10, 2019

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### Facebook co-founder: Break it up

On Thursday, [The New York Times](#) published an [op-ed](#) by Facebook co-founder Chris Hughes, in which he called for the breakup of the company he helped found in Mark Zuckerberg's dorm room. In some ways, the call echoed those of other tech insiders who, amid increasing pressure to rein in the powerful tech giants, have advocated for regulation and restructuring of their own industries. Most recently, that proposal came from Google's Chief Executive Officer Sundar Pichai, who wrote in another [Times op-ed](#) that privacy legislation ought to be passed by Congress. But for some, these calls have rung hollow.

Hughes' piece seems to have landed with a stronger punch, with him calling Facebook a "monopoly" and proposing the spin-off of Instagram and WhatsApp, two social media powerhouses in their own right that Facebook has acquired. That Hughes includes such a strong indictment of the authority held by Zuckerberg – a man he knew well – only adds to the pressure the company has been facing recently, with [federal regulators](#) readying a record-breaking fine for violating a privacy settlement.

While not necessarily a New York figure, Hughes has connections to the state. Ahead of the 2014 campaign season, he and his husband Sean Eldridge bought a \$5 million house in New York's 18th Congressional District with an eye towards Eldridge running for that seat. The couple then bought a new house in the 19th Congressional District, determining that U.S. Rep. Chris Gibson's seat was more attainable. Eldridge ultimately lost, earning him a "[carpetbagger](#)" label.

– [Annie McDonough](#)



Facebook CEO Mark Zuckerberg. SHUTTERSTOCK

## THE LATEST

### **Ithaca to get e-scooter pilot**

After a lengthy debate and a public comment period, the Ithaca Planning and Economic Development Committee approved a pilot program for e-scooters in the city, despite the objections of some residents, who argued that introducing the devices would not be beneficial for the local community. ([Ithaca Times Daily](#))

### **New York trails Silicon Valley for startups**

Silicon Valley is still the world capital for technology startups, a new report claims. But while Silicon Valley beat out New York on metrics like market reach, New York tied with the West Coast hub on several scores, including how well startups have performed historically and how readily funding is available for young companies. ([Crain's New York Business](#))

### **Delivery workers rally for e-bikes**

State Sen. Jessica Ramos and Assemblywoman Nily Rozic spoke alongside delivery workers at an e-bike rally in Albany, where workers said that e-scooters and e-bikes allow them to serve more customers more quickly and make more in wages and tips. The legislators said they're working to drum up support for their bills to legalize the devices. ([Queens Chronicle](#))

### **City banks on diverse blockchain industry**

Thousands are expected to take part in NYC Blockchain Week, a series of events beginning Friday that celebrate the esoteric "distributed ledger" technology. The event coincides with a larger New York City effort to engineer diversity into the nascent blockchain community with initiatives like the NYC Blockchain Center. ([Crain's New York Business](#))

On Friday, June 14, [ASCEND 2019: NYC'S Building Innovation Conference](#) will explore the ways to reach new heights and build smarter, faster, and bolder in today's construction environment. More than just a conference, ASCEND 2019 will provide an opportunity to convene frank discussions about ways to drive real change for the future.

The audience will include 300 of the brightest names in building – from proven trailblazers and decision makers to those who aspire to innovate and want the tools and best practices to make it happen. Visit [ascend.nyc](#) for more information on panelists and speakers and to purchase tickets.

### **Uber launches IPO**

The ride-hailing company Uber is making its stock market debut today, with shares priced at \$45, the lower end of the possible range, and a total market value of about \$82 billion – the largest IPO since Alibaba's five years ago. ([NPR](#))

### **Facebook responds to Hughes**

Facebook is pushing back after one of the company's founders, Chris Hughes, called for it to be broken up Thursday, with Facebook's vice president of global affairs and communications Nick Clegg saying it would be better for lawmakers to instead impose new rules on the social network. ([The Hill](#))

### **Hawley to propose video game regulations**

U.S. Sen. Josh Hawley is set to propose legislation that would prohibit video games from offering children "loot boxes" or randomized assortments of digital weapons, clothing and other items that can be purchased, taking aim at a growing industry revenue stream that analysts say could be worth more than \$50 billion. ([The Washington Post](#))

### **Lawmakers call for 5G security**

Top Democrats and Republicans on the House Energy and Commerce Committee sent a letter to Federal Communications Commission Chairman Ajit Pai on Thursday, voicing their concerns that the security of 5G is not being prioritized as broadband is being built nationwide to support future networks. ([The Hill](#))

### **Washington state attempts new college plan**

State lawmakers passed legislation that would raise almost \$1 billion over a four-year period via a surcharge on companies that employ highly skilled workers, thus taking a major step toward offering free or reduced college tuition using funds from companies like Amazon and Microsoft. ([The New York Times](#))

**OPINION**

## **Technology to transform congestion pricing**

Now that we are considering congestion pricing, let's not expand the uses and the geographies in which cameras and automated license plate recognition are used. A better way could be as simple as downloading an app on your smartphone, which is already GPS location-enabled. (Robin Chase, [CityLab](#))

## **ANALYSIS**

### **The push to predict police shootings**

Thanks to new machine-learning tools, researchers and police departments can use behavioral data to find the earliest signs an officer may be flouting policy or at risk of shooting an unarmed civilian, but the tools still have an inherent risk, offering only the probability of an event happening. ([CityLab](#))

## **PROFILES**

### **Real estate startup joins unicorn club**

New York-based commercial real estate tech firm VTS, which makes online tools used by commercial property owners, said that it's raised \$90 million in a Series D round of funding, putting the company at the \$1 billion unicorn valuation level. ([New York Business Journal](#))

## **MILESTONES**

**HAPPY BIRTHDAY:** To **Grace Rauh**, NY1 reporter ... on Saturday, to **Rich Bamberger**, managing director at Kivvit ... to **Assemblyman Erik Dilan** ... and on Sunday, to **Ryan Brack**, former Bloomberg & de Blasio tech official and founder of Future Forward Partners.

## **THIS WEEK'S EVENTS**

May 9 – **Fluidity Summit: Rebuilding Finance** (175 Broadway, Brooklyn)

May 9 – **MIIB Meetup on Advances in Paleogenomics** w/ Gideon Lewis-Kraus (41 Flatbush Ave., Brooklyn)

May 9-10 – **TECHSPO New York 2019** (1535 Broadway, Manhattan)

May 10 – **Blockchain Fund Summit** (848 Washington St., Manhattan)

May 10-11 – **Ethereal Summit** (159 Pioneer St., Brooklyn)

May 11 – **Block Plus Summit** (140 W. 62nd St., Manhattan)

May 11 – **brunchwork w/ Human Ventures and IBM** (902 Broadway, Manhattan)

May 11-12 – **Magical Crypto Conference** (125 W. 18th St., Manhattan)

May 12 – **Tokenized Assets New York** (270 W. 43rd., Manhattan)

May 13-15 – **Smart Cities New York** (299 South St., Manhattan)

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## TOP TWEET



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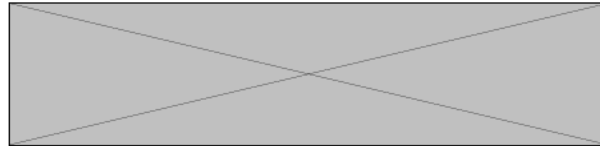
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Uber's big week ... Schumer backs robocall bill ... and more of today's tech news

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TUESDAY, MAY 07, 2019

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**Tom Allon, Publisher**

**What's behind tomorrow's planned ride-hail strike**



Just as Uber and Lyft executives are pushing back against unfavorable regulations in New York – a minimum pay standard and a new vehicle cap, for example – the drivers that keep those businesses moving are gearing up for a separate fight. On Wednesday, drivers for app-based ride-hail companies like Uber and Lyft will **participate in a morning strike** in cities including New York, Philadelphia and Los Angeles.

But even in New York, where lawmakers recently enacted a slate of new regulations for ride-hail companies, drivers still say their wages are not enough. “The minimum wage is just a minimum wage – it’s still not a livable wage,” Bhairavi Desai, president of the New York Taxi Workers Alliance, told the **New York Daily News**. “We believe drivers should be entitled at minimum to 80% to 85% of their fares.”

The strike – planned for 7 a.m. to 9 a.m. Wednesday – couldn’t come at a worse time for Uber and Lyft, which both filed for initial public offerings this year. Uber, set to begin trading this Friday, is **aiming for a valuation** as high as \$91 billion, placing the ride-hail service in exclusive company. “With the IPO, Uber’s corporate owners are set to make billions, all while drivers are left in poverty and go bankrupt,” **Desai said**.

– **Annie McDonough**



SHUTTERSTOCK

## THE LATEST

### **New York to get cash-based Go store**

Amazon launched its high-tech Go convenience store a year ago, but after facing backlash from critics who say cashless stores discriminate against the poor, the

company is introducing Go stores that accept cash, the first of which will open in New York City today. ([The Washington Post](#))

### **Schumer backs robocall bill**

Senate Minority Leader Chuck Schumer is touting proposed federal legislation designed to stem a rising tide of robocalls, which would require telecommunications companies to adopt technology that would authenticate a call's originating number as it moved from one phone network to another. ([Times Union](#))

### **LinkNYC falls short on revenue**

Revenue generated by advertising on New York's 1,800 wireless kiosks has fallen short of projections by \$21 million since 2015 and is projected to miss by an additional \$13 million in fiscal years 2019 and 2020. ([Gotham Gazette](#))

### **Delivery workers fight e-bike crackdown**

At a press conference held by state Sen. Jessica Ramos and Assemblywoman Nily Rozic, delivery workers and transportation advocates bemoaned New York City's crackdown on e-bikes, which has largely affected delivery workers and called for passage of Ramos and Rozic's bill, which would legalize the vehicles. ([QNS](#))

### **Emissions caps pose opportunity for PropTech**

A groundbreaking bill, just passed by the New York City Council, will set greenhouse-gas emissions caps on buildings larger than 25,000 square feet, with the aim of cutting their carbon footprint by 40% by 2030, posing a business opportunity for PropTech companies that have developed technology to make building systems more efficient. ([Crain's New York Business](#))

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### **Senators urge FTC punishment for Facebook**

A bipartisan pair of senators – and two of Facebook's biggest critics in Congress, Sens. Richard Blumenthal and Josh Hawley – sent a letter to the Federal Trade Commission on Monday arguing that the agency should go beyond just imposing a multibillion-dollar fine in order to rein in the social media giant. ([The Hill](#))

### **Apple to get antitrust investigation**

The European Union is preparing to launch a formal antitrust investigation against Apple following Spotify's official complaint that Apple uses its App Store to stifle innovation and limit consumer choice in favor of its own [Apple Music service](#). ([The](#)

### **Boeing replacing 900 inspectors with tech**

Boeing is moving ahead with a plan to cut about 900 aircraft inspectors, replacing their jobs with technology improvements at its Seattle-area factories, despite being under fire for software flaws in the 737 Max and quality issues in its other aircraft. (USA Today)

## **OPINION**

### **Trump's not alone in social media confusion**

With all the loud opinions and belligerent tweets, many people – most recently, President Trump – have mixed up the actual free-speech rights of Americans with the ability of loudmouths and bullies to spew whatever they like to tens of millions of people any time of day or night. The confusion is understandable. (Kara Swisher, [The New York Times](#))

### **A tax that could fix Big Tech**

Instead of banning the current business model of Big Tech – in which platform companies like Google and Facebook harvest user information to sell targeted digital ads — I propose a tax that would be applied to revenue from sales of targeted digital ads, which are the key to the operation of Facebook, Google and the like. (Paul Romer, [The New York Times](#))

## **ANALYSIS**

### **Bird runs low on cash**

In a matter of months, e-scooter company Bird's valuation soared to \$2 billion. Today, facing a crowded field of competitors, pushback, and fees from local governments, and questions about whether any company can make money by charging per ride, staying aloft is proving harder than it first appeared. ([Los Angeles Times](#))

### **How to read a privacy settlement**

The Federal Trade Commission could vote on a settlement with Facebook over the social media giant's alleged privacy failures as soon as this week. The big questions to watch for will be the size of a potential fine, required changes to the company's practices, and how the agency will make sure that Facebook complies. ([Axios](#))

## **PROFILES**

### Space startup lands big contracts

Rocket startup Relativity Space, which is building rockets to launch small satellites, has yet to fire anything into space. But customers are already writing big checks: Relativity said Monday that the company Spaceflight is purchasing up to six launches, marking the company's third major contract announcement in just five weeks. (CNN)

## MILESTONES

**MOVING ON:** Former New York City Councilman and Taxi and Limousine Commissioner **David Yassky** will join Gov. Andrew Cuomo's administration as director of state policy.

**HAPPY BIRTHDAY:** To **Noelle Garnier**, digital coordinator in the White House Office of Digital Strategies ... and to **Rob Saliterman**, head of strategic accounts, North America at Stripe.

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May 7 – **May 2019 NY Tech Meetup** (28 W. 23rd St., Manhattan)

May 7 - **Designing for Machine Learning Data Labeling** with UX + Data Meetup (902 Broadway, Manhattan)

May 8 – **Thrive Capital: brunchwork After Hours** (106 W. 32nd St., Manhattan)

May 9-10 – **TECHSPO New York 2019** (1535 Broadway, Manhattan)

May 9 – **Fluidity Summit: Rebuilding Finance** (175 Broadway, Brooklyn)

May 9 – **MIIB Meetup on Advances in Paleogenomics** w/ Gideon Lewis-Kraus (41 Flatbush Ave., Brooklyn)

May 10 – **Blockchain Fund Summit** (848 Washington St., Manhattan)

May 10-11 – **Ethereal Summit** (159 Pioneer St., Brooklyn)

May 11 – **Block Plus Summit** (140 W. 62nd St., Manhattan)

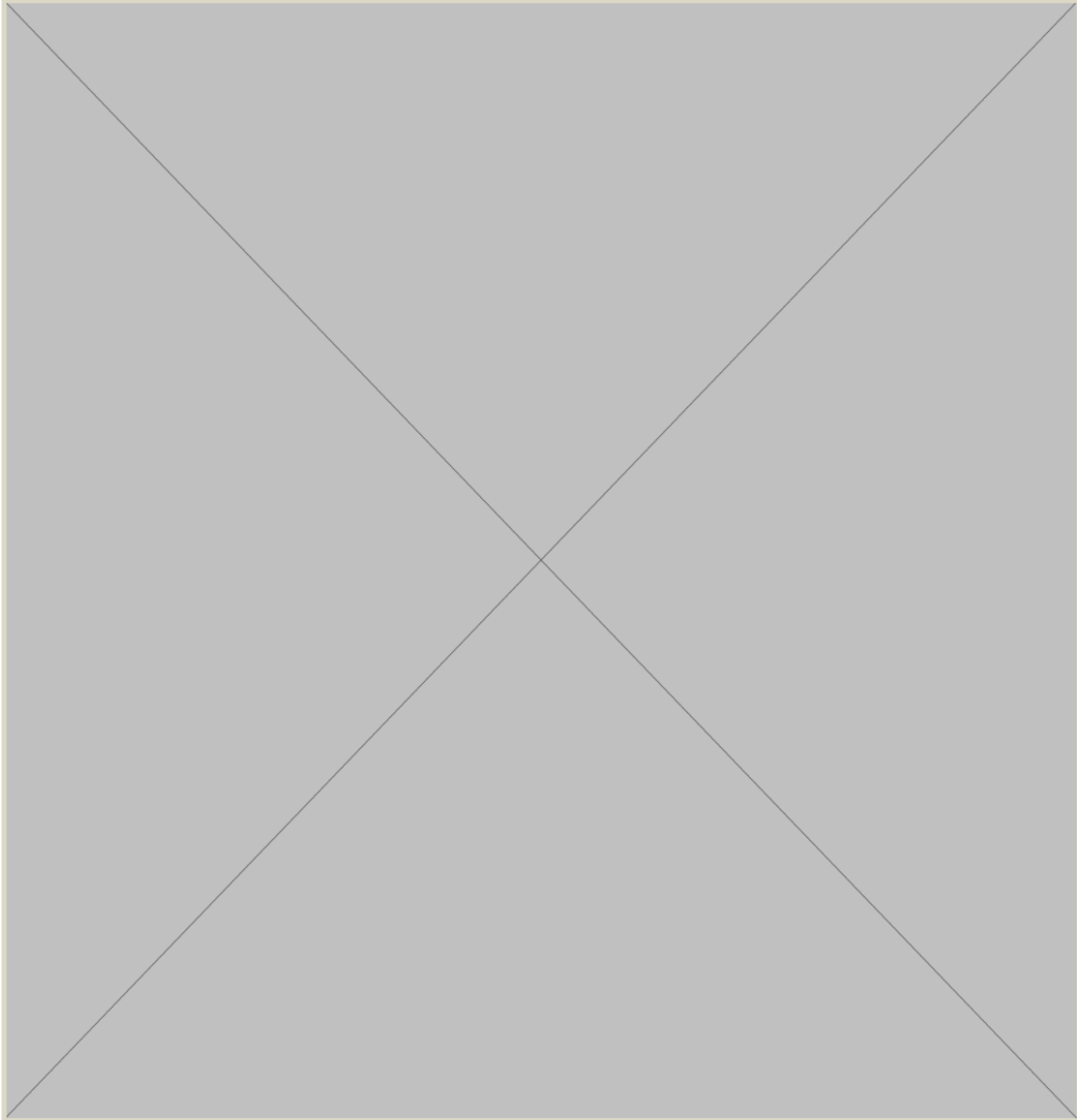
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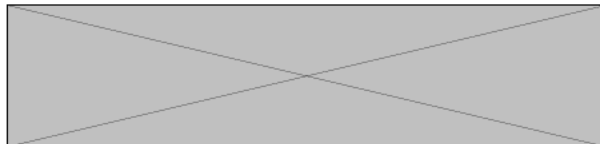
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AOC supports breaking up Big Tech ... Lyft fights against ADA ... and more of today's tech news

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MONDAY, MAY 06, 2019

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## AOC supports breaking up Big Tech

The swelling size of the world's foremost tech giants – Facebook, Amazon, and Google, primarily – has become a talking point for presidential contenders ahead of 2020, with U.S. Sen. Elizabeth Warren calling in the strongest terms for breaking up the biggest companies. In March, Warren laid out an **actual proposal** for doing so, centered around banning firms from operating marketplaces while also participating in those marketplaces. Now, New York's own U.S. Rep. Alexandria Ocasio-Cortez is joining Warren in calling for a breakup of tech giants.

"The idea itself is something that I am supportive of because taking an antitrust approach, I believe, is absolutely relevant and it's appropriate to take," Ocasio-Cortez **told Politico last week**. This isn't the freshman congresswoman's first foray into the politics of Big Tech. Late last year, when Amazon announced plans to open half of its second headquarters in Long Island City, Ocasio-Cortez was among the progressives in opposition. But while opposition to Amazon HQ2 focused on the company's labor practices and its potentially negative effect on the local community, Warren's plan calls for a comprehensive overhaul to the way the government treats antitrust issues for tech companies. And while Warren's fellow 2020 Democratic candidates have criticized Big Tech without fully supporting her plan, Ocasio-Cortez seems to be mostly on board, even if the details haven't been hammered out yet.

"Facebook as a basic communications platform while also selling ads and also being a surveillance platform, I think those functions should be broken up," Ocasio-Cortez told Politico. "But how that gets levied and how that gets approached is what we need to take a fine-tooth comb at."

– **Annie McDonough**



*U.S. Rep. Alexandria Ocasio-Cortez.* SHUTTERSTOCK

## THE LATEST

### **Uber, Lyft drivers to strike Wednesday**

New York's app-based drivers are going on strike Wednesday morning, joining a national walkout by drivers weary of low pay and mistreatment by the ride-hailing companies. ([New York Daily News](#))

### **Lyft fights against ADA**

Lyft argues it should not be subject to the Americans with Disabilities Act and is fighting a federal class action lawsuit filed in Westchester County on the grounds that "it is not in the transportation business" – an argument long employed by app-based companies like itself and Uber. ([Politico](#))

### **Nassau County makes transparency push**

County Executive Laura Curran vowed to prioritize transparency and accountability upon assuming office. Now, she is pursuing a number of tech-based projects with that goal in mind, including a new open checkbook, which details more than a billion dollars of annual county outside expenditures in an easy-to-read format. ([Government Technology](#))

### **Union Square tech hub under fire**

The Greenwich Village Society for Historic Preservation is accusing New York City of doling out a sweetheart deal to RAL, the developer chosen to build a 22-story tech hub in Union Square, claiming the new tenant is getting more bang for its buck than the property's prior occupant. ([New York Daily News](#))

### **Schodack fights Amazon warehouse**

A group of roughly 50 homeowners located next to a proposed Amazon distribution warehouse in Schodack is filing an appeal after a judge dismissed their lawsuit



against the town's planning board for approving the warehouse without an in-depth environmental review. ([Times Union](#))

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### **Trump decries Facebook bans**

President Trump on Friday threatened to "monitor" social-media sites for their "censorship of AMERICAN CITIZENS," a day after Facebook permanently banned Louis Farrakhan, the founder of the Nation of Islam who has been accused of anti-Semitism, along with far-right figures Milo Yiannopoulos, Laura Loomer and Alex Jones, the founder of Infowars. ([The Washington Post](#))

### **Regulators split over Facebook penalties**

Facebook set aside \$3 billion to \$5 billion to settle claims that it mishandled users' personal data, suggesting a strong consensus by federal regulators that the social media giant needed to be held accountable, but sources suggest that the FTC's five commissioners are split on the size and scope of the company's punishment. ([The New York Times](#))

### **Amazon app raises privacy questions**

Journalists on Twitter discovered that Ring – an Amazon-owned mobile app used by owners of its Ring security cameras to upload videos for neighbors to see – was hiring an editor, prompting concerns that Amazon was stoking community fears to sell security systems. ([Axios](#))

### **Head injuries threaten e-scooter riders**

The Centers for Disease Control and Prevention launched the first epidemiological investigation into the safety of the micromobility revolution with a study in Austin, Texas, determining that 45 percent of a sample of e-scooter-related incidents involved head injuries – and less than 1 percent of riders were wearing a helmet. ([CityLab](#))

## **OPINION**

### **Pentagon's wrong approach on JEDI contract**

In announcing its 10-year, \$10 billion JEDI cloud contract last March, the U.S. Department of Defense said its aim is to move at "the speed of relevance," but going with a single cloud provider is the wrong strategy and will cost the DOD dearly in more ways than one. It should change course while it has time. (Murli Thirumale, [The](#)

## ANALYSIS

### **NYC startups prepare to go public**

Institutional investors are clearly having a love affair with New York City's tech startups, pouring \$21 billion into them in the past four quarters, and setting the stage for a wave of IPOs. It's not unusual for fledgling firms to be unprofitable, but many of these soon-to-be-public enterprises are bleeding startling amounts of red ink. ([Crain's New York Business](#))

### **Are Europe's regulators going too far?**

Europe has clamped down on violent content, hate speech, and misinformation online through a thicket of new laws and regulations, but now there are questions about whether the region is going too far, with the rules leading to accusations of censorship and potentially providing cover to some governments looking to stifle dissent. ([The New York Times](#))

## PROFILES

### **Flume tackles health care payment problems**

New York City startup Flume Health aims to empower people with its transparent, third-party platform that offers an end-to-end solution for self-insured employers to make the most of their health insurance plans. Flume Pay allows employer plans to pay medical claims at the time of service, eliminating uncertainty and reducing overall costs. ([AlleyWatch](#))

## MILESTONES

**HAPPY BIRTHDAY:** To **Dani Lever**, communications director for Gov. Andrew Cuomo.

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**Future Of Blockchain** (215 Lexington Ave., Manhattan)

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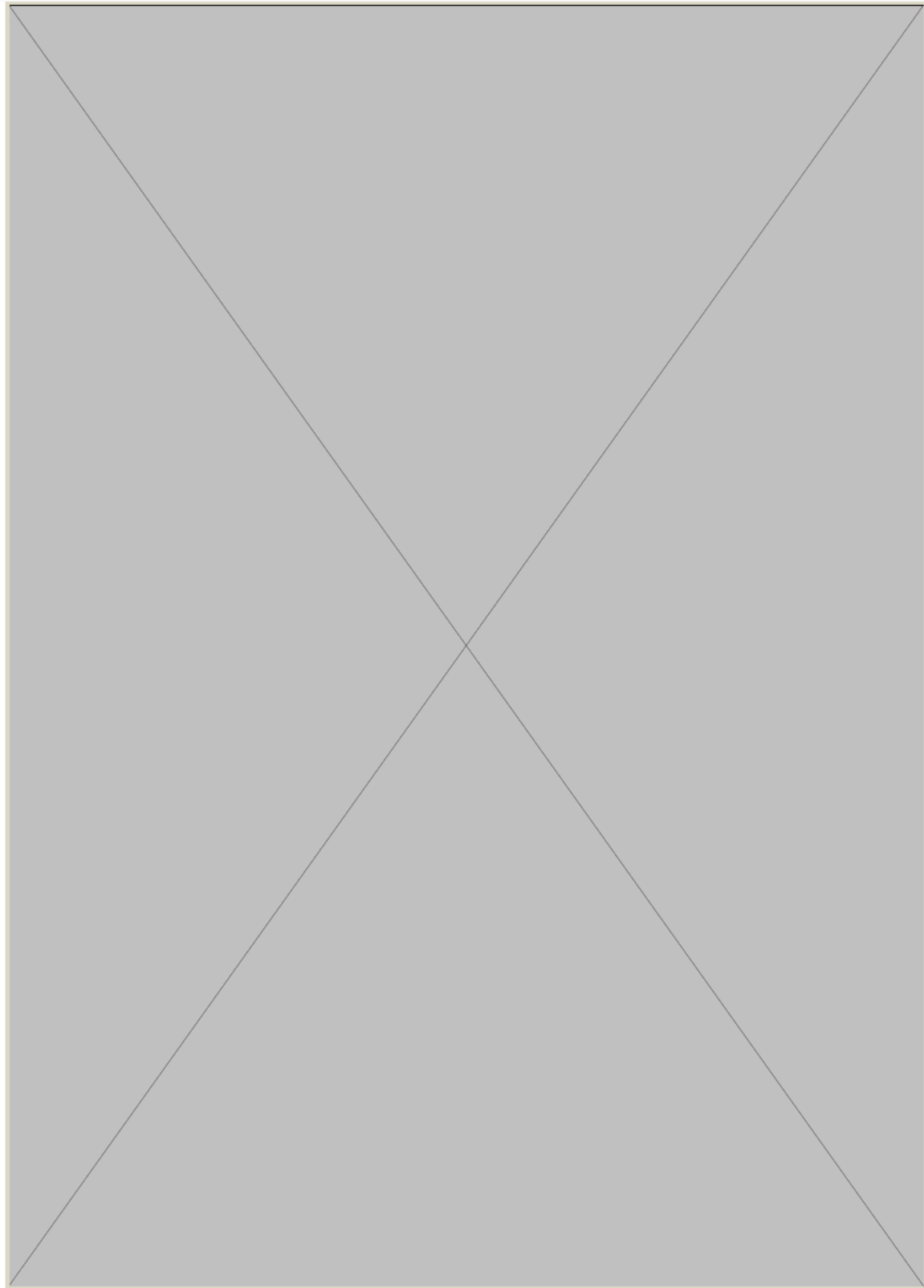
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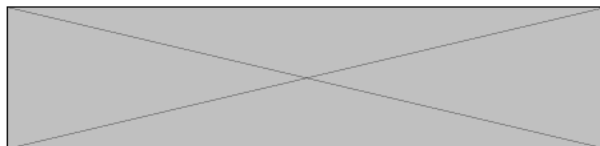
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Tenants fight facial recognition ... Tech workers protest together ... and more of today's tech news

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FRIDAY, MAY 03, 2019

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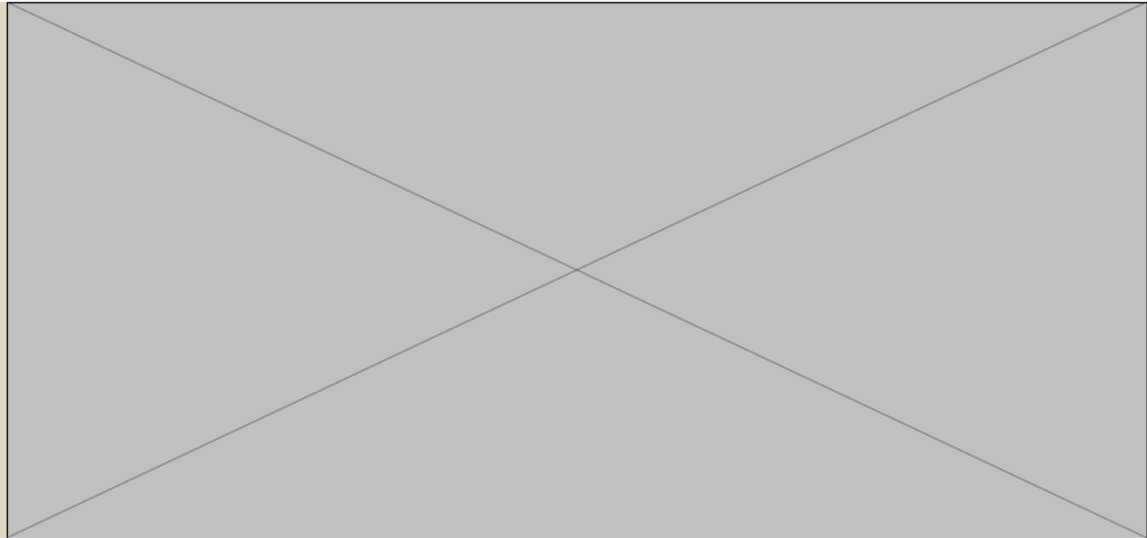
### Brooklyn tenants take up facial recognition fight

The battle to draw a hard line between privacy and security is being fought around the world as lawmakers, tech companies, and civil liberties advocates contend with how much or how little evolving technologies like artificial intelligence and facial recognition should become a part of everyday life. It's a question that the **federal government** has been unable to answer— at least, not yet.

Now a new front has opened in Brooklyn as a group of tenants in the Brownsville neighborhood is **fighting against their landlord's attempts** to install facial recognition entry systems in their rent-regulated residential buildings. The landlord, Nelson Management Group, **applied** to the state Homes and Community Renewal agency last summer to install the tech at the Atlantic Plaza Towers, one of roughly 12 properties owned by Nelson. The tenants argue that the application of the technology would not only be a dangerous violation of privacy, especially for the many people of color who live in the development. Facial recognition systems have notoriously struggled with accurately detecting darker skin tones and women's faces – even the technology developed by a tech giant like **Amazon**.

In order to block the use of facial recognition technology at the Atlantic Plaza Towers, HCR would have to deny Nelson's application, which tenants are pressuring the agency to do. **Gothamist reports** that this is HCR's first time dealing with a facial recognition technology application, so while their decision could likely set an important precedent for tenants and landlords in New York City, there's no deadline for HCR to make a decision, meaning the matter could drag on indefinitely.

— **Annie McDonough**



SHUTTERSTOCK

## THE LATEST

### **Tech workers protest together**

On May Day, employees of Google came together in New York and across the country to protest what they say is retaliation against their previous demonstrations against military contracts, sexual harassment, and the treatment of temporary and contract workers at their company. ([Crain's New York Business](#))

### **Rose slams tech over extremism**

U.S. Rep. Max Rose joined fellow U.S. Rep. Bennie Thompson in condemning the “vague explanations” offered by tech companies responding to questions from the House Homeland Security Committee about extremist content on their platforms. ([The Hill](#))

### **Kim finds complications in data tax**

As the popularity of a “data dividend” tax on Big Tech’s use of user data grows in states like California, New York Assemblyman Ron Kim is finding out that such a tax presents complications. Instead, Kim is working on legislation to protect consumers’ privacy and open the door for them to sue tech companies over the use of their data. ([Governing](#))

### **Tompkins County focuses on tech**

In its 2019 Report to the Community, Tompkins County Area Development (TCAD) detailed considerable growth in the business sector and stated its intent to increase focus on developing solar projects and taking steps toward becoming a hub for tech. ([Ithaca Times Daily](#))

For more than 25 years, LAK Public Relations has represented some of New York City’s most prominent corporations, law firms, nonprofits and individuals. We specialize in strategic media relations, public affairs communications and crisis communications, earning an outstanding reputation for combining innovative and effective strategies with successful execution to help our clients tell their stories and



achieve their goals. For more about our agency and our team of experienced PR professionals, visit [lakpr.com](http://lakpr.com).

### **Facebook bans extremists**

Facebook permanently banned several extremist figures, including Nation of Islam leader Louis Farrakhan and Infowars host Alex Jones, for being “dangerous,” signaling that the social network is more aggressively enforcing its hate-speech policies at a moment when bigoted violence is on the rise around the world. ([The Washington Post](#))

### **Trump to improve cybersecurity workforce**

President Trump on Thursday signed an executive order aimed at improving the cybersecurity workforce within the federal government, creating a rotational program for cybersecurity staffers to work at different agencies and pick up new skills. ([The Hill](#))

### **Amazon: Automated warehouses years away**

Amazon dismissed the idea of running a fully automated warehouse in the near future, as the company’s director of Robotics Fulfillment said that the technology is at least 10 years away from fully automating the processing of a single order picked by a worker inside a warehouse. ([Reuters](#))

### **L.A. upgrades voting tech**

During California’s presidential primary next March, Los Angeles County’s 5.2 million registered voters will test the county’s new, \$100 million voting machines built with open-source technology that will let voters cast ballots over 11 days, instead of over 13 hours. ([NBC News](#))

## **OPINION**

### **Facebook draws clear line against toxic behavior**

Facebook crafted a “dangerous” standard to expunge Alex Jones’ Infowars, as well as toxic figures such as Louis Farrakhan. Their personal and page accounts are now gone from both Facebook and Instagram. They have a right to free speech, but they don’t have a right to pollute Facebook’s pages if Facebook doesn’t want them. ([New York Daily News](#))

### **Why does Apple control its competitors?**

Apple’s move to remove and restrict screen-time and parental control apps in its App Store highlights the inherent tension in the company’s fierce control over its mobile operating system. The closed environment is a boon to consumer privacy because the company has the leverage to insist upon it, but that environment fosters a kind of monopoly. ([The New York Times](#))

### **Paris scooters are cautionary tale for New York**



A scooter invasion in Paris has been so chaotic that the city council passed new legislation imposing fines on those who ride on sidewalks and imposing annual per-scooter fees on the companies whose scooters have flooded the streets. We should welcome the revolution, provided it's orderly from the get-go. Keep them off the sidewalks. Prevent irresponsible parking. ([New York Daily News](#))

## ANALYSIS

### Uber's success is far from assured

What should worry Uber and its prospective investors is that it wouldn't be hard for other cities to copy New York City's rules. When it comes to regulating ride-hail services, the devil has always been in the details, and the details of New York's scheme are, frankly, quite good, to the point that even Uber accepted them largely without protest. ([Quartz](#))

### Health startups encounter problems

In Silicon Valley, the barriers that separate tech from health care are crumbling. A growing array of products and services – think Apple Watch, Amazon's Alexa, and even the latest meditation app – straddle the gap between health innovation and tech disruption. Clinicians see red flags. Tech leaders see revolution. ([Business Insider](#))

## PROFILES

### Bradley Tusk looks back – and forward

When Bradley Tusk launched his own business to help clients navigate turbulent regulatory waters, one of his first calls came from Uber. Tusk has since used some of that wealth to create numerous other businesses, holding stakes in the e-scooter company Bird, the insurance company Lemonade, and the cannabis delivery startup Eaze. ([TechCrunch](#))

## MILESTONES

**MOVING ON:** Google's **Tal Shaked** is [joining](#) Lyft as the company's first head of machine learning and AI.

**HAPPY BIRTHDAY:** To **Seth Flaxman**, founder and chief executive officer, Democracy Works ... on Saturday, to **Kathy O'Hearn**, executive producer at The Washington Post ... and on Sunday, to **Eunice Huang**, director of Civic Entertainment Group.

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May 3-4 – **Uenoland Conference** (29 Norman Ave., Brooklyn)

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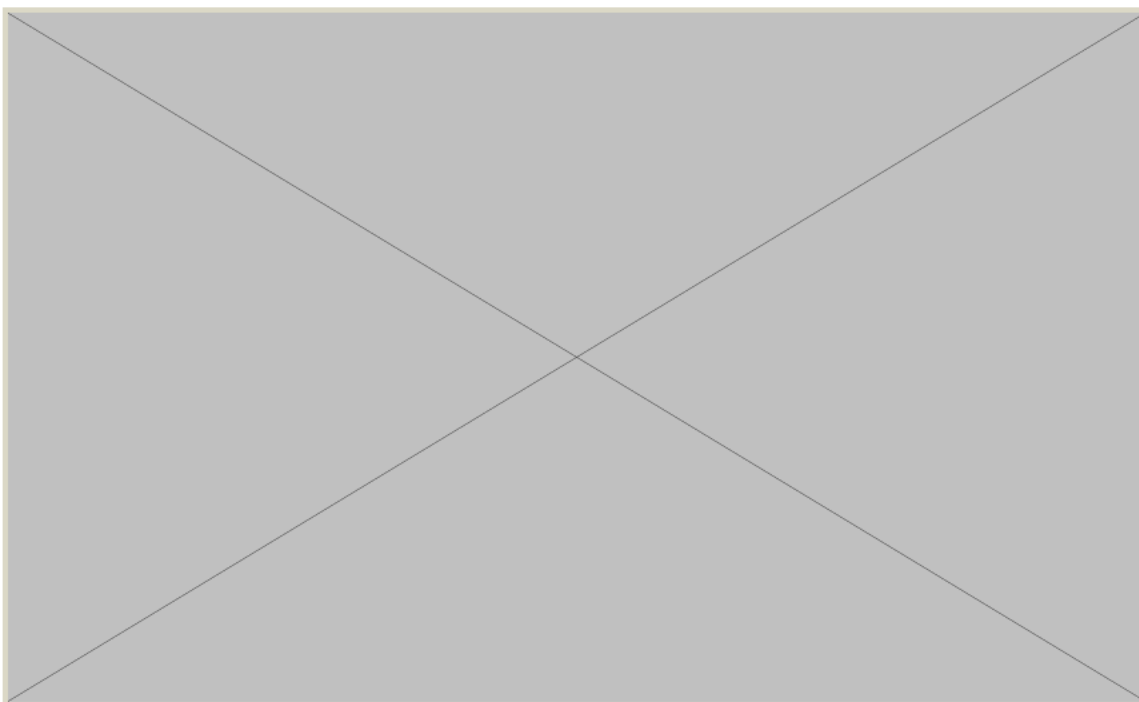
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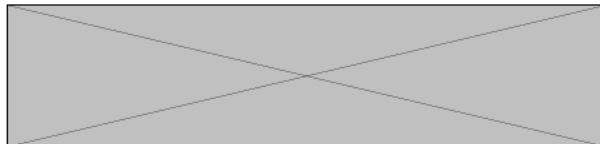
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Subject: First Read Tech

Hotels, home-shares blend ... Lyft loses minimum pay lawsuit ... and more of today's tech news

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THURSDAY, MAY 02, 2019

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## Blurring the line between hotels and home-shares

Earlier this week, the hospitality industry experienced a small seismic shift with two announcements: first, that Airbnb and RXR Realty will collaborate to convert New York City buildings into hotel space listed exclusively through Airbnb; second, that hotel giant Marriott International will build a full-fledged home-sharing division into its business. These are just the latest examples of how the lines between hotels and home-sharing – two factions of the hospitality business that have sparred as the latter grows in prominence – are blurring.

New York City has seen perhaps the most contentious battle between home-sharing and hotels, with home-sharing giant Airbnb still locked in **regulatory fights** at both the city and state level. But buried within the **announcement** of Airbnb and RXR's new partnership – which will involve 10 floors at 75 Rockefeller Plaza being converted into hotel rooms listed through Airbnb – is the fact that the new urban hospitality product will be operated with the organized labor standards of SEIU 32BJ and the New York Hotel Trades Council, which has been one of Airbnb's toughest opponents in lobbying against the company's favored regulatory proposals. This doesn't mean that HTC will meet Airbnb at the negotiating table anytime soon, but working in the same arena could present that opportunity.

Marriott's announcement, on the other hand, could pose a competitive threat to Airbnb's business, although Airbnb co-founder and Chief Executive Officer Brian Chesky has denied this, saying that the company feels more flattered than threatened. "To tell me that the largest hospitality company in the world is looking in the space, I think, is a huge testament to what we've done, to the market we're in," Chesky said during an appearance on **CNBC's "Squawk Alley."** "We've had about half a billion guest arrivals. So I think it's just more a validation than anything."

– **Annie McDonough**



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## THE LATEST

### **Lyft loses minimum wage lawsuit**

Lyft's attempt to block New York City rules mandating a driver minimum wage was denied in court Wednesday, as state Supreme Court Judge Andrea Masley ruled in favor of the city – Lyft and Juno had argued that the way the city wanted to institute its pay rates would give an unfair advantage to Uber. ([AM New York](#))

### **New York braces for online census**

Manhattan Borough President Gale Brewer and other city leaders discussed the need to address New York's gaps in internet access and digital literacy ahead of the 2020 census, which will be conducted largely online. ([Gotham Gazette](#))

### **Apple Pay coming to straphangers**

Apple Pay is expected to hit the Metropolitan Transportation Authority's public transit system early this summer, which could soon allow straphangers to use their iPhones to buy subway fares through the tap-to-pay technology. ([Patch](#))

### **Tenants fight facial recognition**

A group of Brownsville tenants whose landlord is trying to install a facial recognition entry system to their rent-regulated buildings filed their legal opposition Wednesday, gathering outside the offices of the New York State Homes & Community Renewal, which has the power to approve or reject the request of the landlord. ([Brooklyn Daily Eagle](#))

**Mediaocean relocates downtown**

Mediaocean, the advertising-software provider that's exploring a potential sale, will relocate its headquarters to a smaller space in Manhattan's Financial District as it seeks to trim its real estate costs following recent layoffs. ([Crain's New York Business](#))

**Uber expands driver rewards**

Uber announced it is expanding its driver rewards program to 20 new U.S. cities – including New York City – with benefits including discounted gas, repairs, and cash back deals, as well as some online tuition coverage at Arizona State University for high-earning drivers. ([Smart Cities Dive](#))

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**Privacy roles part of Facebook settlement**

The Federal Trade Commission is negotiating a settlement with Facebook that would create new positions at the company focused on strengthening its privacy practices, with the company agreeing to create a privacy committee to protect its users' data, as well as an external assessor who would be appointed by the company and the FTC. ([The New York Times](#))

**Senators get to work on privacy bill**

Senators are looking to intensify their work on drafting the nation's first consumer privacy bill amid doubts they are any closer to a breakthrough after months of talks, with consumer advocates testifying before the Senate Commerce Committee to offer their input on a potential federal privacy framework on Wednesday. ([The Hill](#))

**Facebook's fact-finding mission**

Facebook is handing over data to academic researchers to help them figure out how social media impacts elections and democracy; while it could be a bit of a PR stunt, it could also provide some important insights into how the internet shapes the way we interact with the world around us. ([Vox](#))

**T-Mobile, Sprint deal still uncertain**

T-Mobile and Sprint are facing growing uncertainty about the fate of their \$26 billion merger a year after the deal was first announced, with Assistant Attorney General Makan Delrahim – who leads the Department of Justice's Antitrust Division – saying Wednesday that he's still undecided about the deal. ([The Hill](#))



## OPINION

### Uber's IPO stain

Uber – and, to a lesser extent, Lyft – has turned out to be a poster child for Silicon Valley's messianic vision, but not in a way that should make anyone in this industry proud. Uber's initial public offering will turn a handful of people into millionaires and billionaires. But the gains for everyone else remain in doubt. (Farhad Manjoo, [The New York Times](#))

## ANALYSIS

### What if facial recognition gets it wrong?

In late 2017, the Washington County Sheriff's Office became the first law enforcement agency in the country known to use Amazon's artificial-intelligence tool Rekognition, introducing a new wave of experimental police surveillance techniques – and making the county ground zero for a battle over the unregulated growth of policing by algorithm. ([The Washington Post](#))

## PROFILES

### Uber for organs

A custom-made drone delivered a kidney this month to a Maryland woman who had waited eight years for a lifesaving transplant – part of a short test flight that a team at the University of Maryland says is a crucial step in its quest to speed up the delicate and time-sensitive task of delivering donated organs. ([The New York Times](#))

## MILESTONES

**MOVING ON:** **Tyrone Stevens**, former deputy communications director for New York City under Gov. Andrew Cuomo, has been [appointed](#) director of communications for New York City Comptroller Scott Stringer ... and former Comcast VP **Lysa Dahlin** has been [appointed](#) chief people officer at DigitalOcean.

**HAPPY BIRTHDAY:** To **Arielle Goren**, former Cuomo administration speechwriter and director of communications for Houseparty.

## THIS WEEK'S EVENTS

May 2 – **Digital Summit New York** (655 W. 34th St., Manhattan)

May 2 – **Tech Day New York** (655 W. 34th St., Manhattan)

May 2 – **InnoVention Society Competition Demo Day** (350 W. Broadway, Manhattan)

May 2-4 – **Uenoland Conference** (29 Norman Ave., Brooklyn)

May 7 – **Blockchain Institutional Security: The Next Challenge Securing The Future Of Blockchain** (215 Lexington Ave., Manhattan)

May 7 – **May 2019 NY Tech Meetup** (28 W. 23rd St., Manhattan)

May 7 - **Designing for Machine Learning Data Labeling** with UX + Data Meetup (902 Broadway, Manhattan)

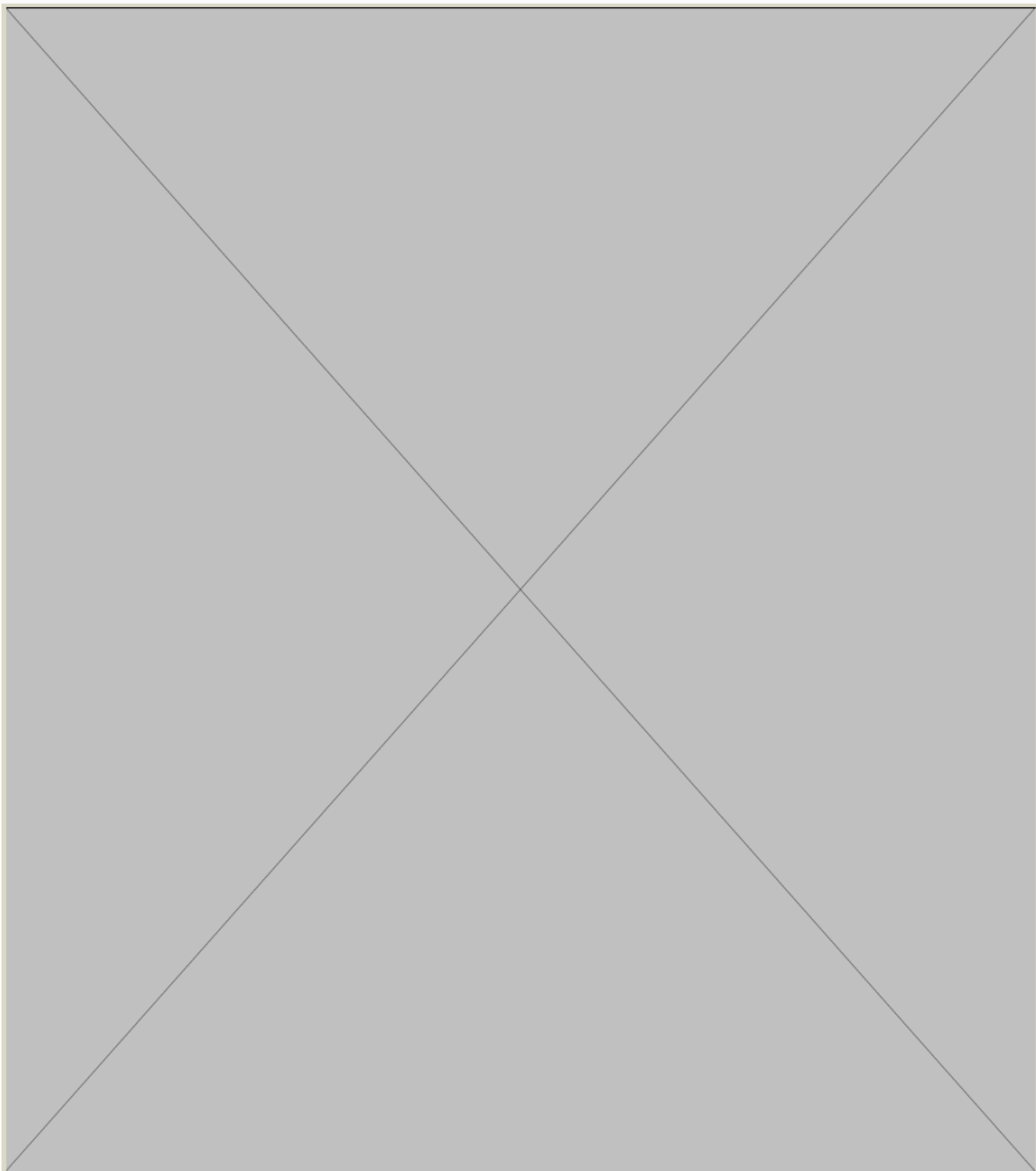
May 8 – **Thrive Capital: brunchwork After Hours** (106 W. 32nd St., Manhattan)

May 9-10 – **TECHSPO New York 2019** (1535 Broadway, Manhattan)

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## TOP TWEET





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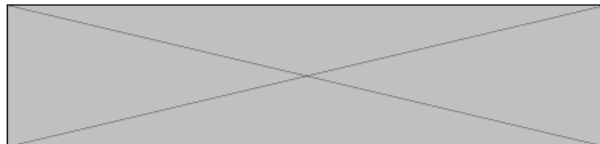
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ACLU crashes King's block party ... AG to probe Facebook ... and more of today's tech news

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FRIDAY, APRIL 26, 2019

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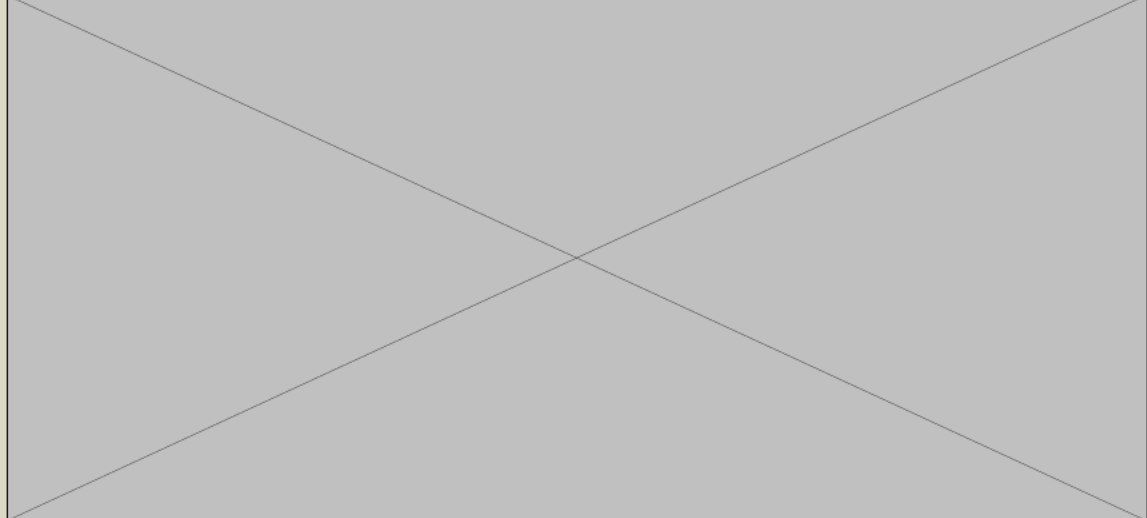
### Can politicians block people on social media?

U.S. Rep. Peter King, who represents parts of Long Island, is facing backlash for **blocking Facebook users** from his page, a move that has the New York Civil Liberties Union threatening to sue, saying the actions violate the First Amendment.

The controversy echoes a now year-long battle between President Donald Trump and Twitter users who say the president has violated the First Amendment by blocking them from his Twitter account. In March of last year, a federal judge in the Southern District of New York agreed with the president's spurned Twitter users, saying that Trump cannot block users from viewing his Twitter account because that account is a public forum. The president then appealed that ruling, and the **case was heard again** before a three-judge panel in Manhattan earlier this month.

King's current First Amendment battle – while not dissimilar from Trump's – may take a different course. King has argued that he can block Facebook users because the account in question is a campaign account, not one being used in an official government capacity. Whether that argument holds up – in the event that the NYCLU does sue – remains to be seen. What's clear is that as long as social media remains as ubiquitous as it is now, these legal battles will set precedents for years to come.

– **Annie McDonough**



*U.S. Rep. Peter King.* CELESTE SLOMAN

## THE LATEST

### **AG to probe Facebook**

New York state Attorney General Letitia James plans to open an investigation into Facebook's unauthorized collection of more than 1.5 million users' email address books used to improve ad-targeted algorithms. ([The New York Times](#))

### **James: Stablecoin company covered up major loss**

Bitfinex, the parent company of Tether, a so-called "stablecoin," used more than \$700 million of its reserves to cover up an \$850 million loss of customer funds, and AG James has obtained a court order directing the company to stop its activities. ([Axios](#))

### **LinkNYC's surveillance cameras**

A vandal who smashed dozens of New York City's LinkNYC kiosks was arrested using the security camera footage captured by the kiosks; it came as a surprise to many that the kiosks, which have been around since 2016 and are owned by a consortium called CityBridge, come camera-equipped. ([Gothamist](#))

### **Electric bus plan may fall short**

If the Metropolitan Transportation Authority needs 21 years to make its bus fleet fully electric, it ought to have a detailed plan, transit advocates said Thursday, noting that the MTA's present plan would replace around 10% of the 5,700 buses in its fleet – barely scratching the surface of the task of going all-electric by 2040. ([New York Daily News](#))

### **Buffalo gets \$30M to improve air quality**

With a goal of improving air quality, the state is providing \$30 million to support 15 area projects, including clean-fuel buses, pedestrian accessibility, and bicycle enhancements and electric vehicle charging stations in the Buffalo area. ([Buffalo Business First](#))

### **Walmart gets AI upgrade**

Inside Walmart's Neighborhood Market grocery store in Levittown, high-resolution cameras are suspended from the ceiling and sensors sit on shelves, the better to

monitor the store in real time so employees can quickly react to replenish products or fix other problems. (CBS News)

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### **Twitter's white supremacist conundrum**

A Twitter employee who works on machine learning believes that a proactive, algorithmic solution to banning or eradicating white supremacists from the platform would also catch Republican politicians – a step that would create endless controversy for the company. (Motherboard)

### **Visa rejections for tech climbing**

Thousands of current U.S. tech workers have had their visas suddenly rejected thanks to new policies implemented by the Trump administration, with denial rates for granting the visas spiking as well. (Wired)

### **Canada promises to take Facebook to court**

Canadian regulators on Thursday found that Facebook committed “serious” breaches of local laws over its mishandling of users' personal information, announcing they would take the company to court to force it to change its privacy practices. (The Washington Post)

### **Amazon automates worker reviews**

Amazon's fulfillment centers are the engine of the company, but documents reveal that workers there are often fired for failing to “make rate” or work fast enough, and the company's system tracks and automatically generates any warnings or terminations. (The Verge)

## **OPINION**

### **Facebook's Midas touch still impressive**

Given Facebook's softening-but-still-incredible financial results during its two years of bad headlines and political scolding, it's tempting to conclude that nothing matters. Facebook users and advertisers may feel terrible about the company, but they keep coming back for more. (Shira Ovide, Newsday)

### **Facebook's little fine**

Five billion dollars is a lot of money. But with apologies to that pissed-off shark in “Jaws,” regulators are going to need a bigger fine if they actually want to stop Facebook from violating its users’ privacy. (Kara Swisher, [The New York Times](#))

## ANALYSIS

### Uber wants to compete with public transit

Uber took down the taxi industry and now it wants a piece of public transit. That has transportation and urban planning experts deeply worried that if Uber grabs a big chunk of its target market, cities would grind to a halt from the ensuing gridlock. ([CNN](#))

### Inside Facebook during New Zealand massacre

Tech companies must do the delicate work of determining whether a video of violence ultimately serves a harmful or helpful purpose. In the case of the Christchurch shooting, Facebook decided that the danger of the video becoming a tool of extremist propaganda outweighed its informational value. ([The New Yorker](#))

## PROFILES

### A new approach to financial literacy

The Financial Gym wants you to speak up and feel informed about your financial future, taking a gym-based approach targeted toward women: members are able to work directly with their own financial trainers for a flat monthly fee, with a physical location in NoMad and a web-based offering as well. ([AlleyWatch](#))

## MILESTONES

**HAPPY BIRTHDAY:** To **Ben Schwerin**, vice president of partnerships at Snapchat ... on Saturday, to **Eric Schmidt**, former executive at Google and Alphabet Inc. ... and on Sunday, to New York City Council Speaker **Corey Johnson**.

## THIS WEEK'S EVENTS

Apr. 26 – [Fireside Chat with Dominik Schiener, Co-Founder Of IOTA](#) (902

Broadway, Manhattan)

Apr. 28 – **brunchwork w/ The Daily Show and Of a Kind** (303 Spring St., Manhattan)

Apr. 29 – **Blockchain & Payments** discussion (43 W. 23rd St., Manhattan)

Apr. 29 – **Solving New York's Digital Divide** (185 West Broadway, Manhattan)

Apr. 30 – **URBAN-X Demo Day 05** (29 Norman Ave., Brooklyn)

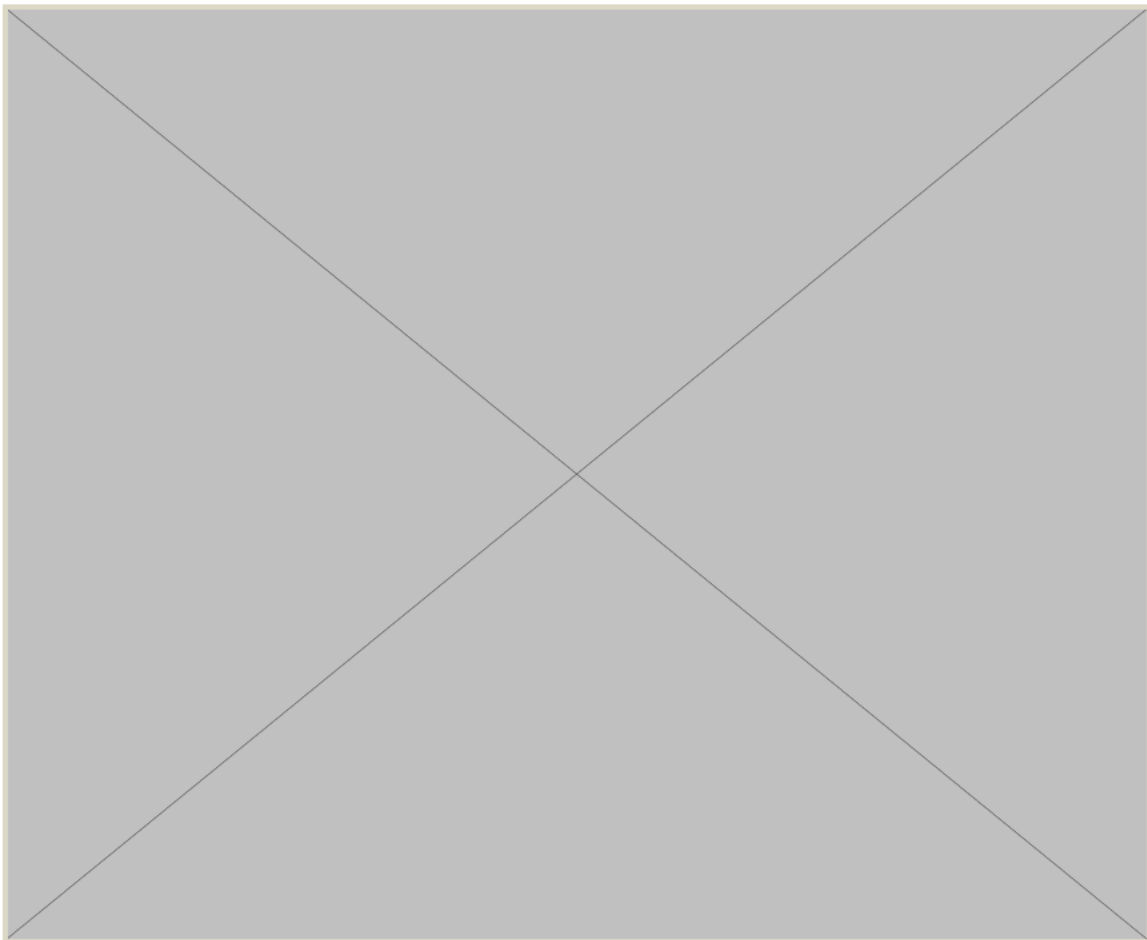
May 1 – **Diversity in Tech Awards** (335 Bowery, Manhattan)

May 1-2 – **Digital Summit New York** (655 W. 34th St., Manhattan)

May 2 – **Tech Day New York** (655 W. 34th St., Manhattan)

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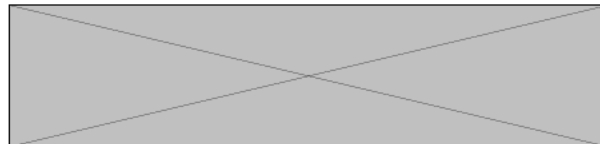
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*Citi Bike pulls e-bike fleet ... Hotel workers protest Skoufis ... and more of today's tech news*

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MONDAY, APRIL 15, 2019

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### **Citi Bike pulls e-bike fleet**

Citi Bike announced over the weekend that it is **pulling its fleet of pedal-assist e-bikes** from service. Unlike the debate in the state Legislature and New York City Council over the bikes, however, this decision wasn't an issue of policy or regulation, but of performance.

On Sunday, **Citi Bike acknowledged** that some customers riding their pedal-assist e-bikes had experienced "stronger than expected braking force" while riding and that the company would remove the roughly 1,000 New York City e-bikes – in **addition to another 2,000** in Washington, D.C., and the San Francisco Bay area – from service for the time being.

The announcement may come as a shock to customers: In February, the company announced **plans to expand** the number of its pedal-assist e-bikes to 4,000 due to increasing popularity. Citi Bike is operated by Motivate, which was acquired by Lyft last year.

The move also comes at a bad time for proponents of legalizing e-scooters and throttle e-bikes. After removing a measure from the state budget that would have allowed municipalities to decide whether or not to legalize e-bikes and e-scooters, some state lawmakers are still trying to pass e-bike and e-scooter legislation before the end of session in Albany – this in addition to legalization efforts by the New York City Council. But those lawmakers are still bumping up against the concerns of those wary of legalization – including Mayor Bill de Blasio and City Council Speaker Corey Johnson – who have argued that largely for safety reasons, the mode of transportation is not ready for citywide use. Citi Bike's news on Sunday shows there are still some kinks to work out.

– **Annie McDonough**





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## THE LATEST

### **NYPD wins facial recognition documents battle**

A Manhattan judge ordered academics at Georgetown University researching the New York Police Department's facial recognition technology to return documents accidentally turned over by police, which included 20 pages containing confidential information. ([New York Daily News](#))

### **Lacewell: FinTech could discriminate**

Linda Lacewell, the new chief of New York's Department of Financial Services, is concerned that big data – and the technology that banks and insurers use to control it – could result in business decisions that inadvertently discriminate against “protected classes.” ([Reuters](#))

### **Hotel workers protest Skoufis**

Members of the politically powerful Hotel Trades Council protested outside state Sen. James Skoufis' New Windsor office after the senator sponsored an Airbnb-backed bill and called union reps “unprofessional thugs” after the hotel union lambasted the bill. ([New York Daily News](#))

### **LIRR scales back on paper**

With more and more riders looking to their phones, rather than printed materials, for schedule and service information, the Long Island Rail Road is gradually scaling back its use of paper, saving the LIRR about \$39,000 annually. ([Newsday](#))

### **Bezos to meet with prosecutors**

Amazon Chief Executive Officer Jeff Bezos is planning to sit down with prosecutors from the Southern District of New York to discuss his claim that Saudi Arabia intercepted his text messages, which were later published in the National Enquirer; prosecutors reportedly hope to gain access to Bezos' electronic devices. ([New York Post](#))

On Friday, June 14, [ASCEND 2019: NYC'S Building Innovation Conference](#) will explore the ways to reach new heights and build smarter, faster, and bolder in today's construction environment. More than just a conference, ASCEND 2019 will provide an opportunity to convene frank discussions about ways to drive real change for the future.

### **Trump announces 5G auction**

President Trump on Friday announced a new wireless spectrum auction intended to speed the rollout of the next generation of wireless communications networks, as the administration weighs the possibility of an order that would essentially ban Chinese firms like Huawei from helping to build those networks. ([The New York Times](#))

### **Big Tech pushes back on visa policy**

A group representing major Silicon Valley technology companies like Google and Facebook has filed a court brief arguing that employment authorization for spouses of workers with H-1B visas – which the Trump administration has promised to revoke – leads to economic growth and creates about as many jobs as it takes away. ([Government Technology](#))

### **Hinting at a “new era” of regulation**

House Speaker Nancy Pelosi warned of a “new era” for regulating tech giants like Facebook, Google and Twitter during an interview on the “Recode Decode” podcast, suggesting Democrats are ready to take a harder look at Silicon Valley. ([The Hill](#))

## **OPINION**

### **Entertainment tax credits show hypocrisy of New York budget**

The granting of \$840 million in tax credits for TV and film producers who make their scenes here in New York comes just weeks after some of the very same actors blew up the deal with Amazon over tax credits. That is hypocrisy of the highest order. (Jonathan Trugman, [New York Post](#))

### **Can tech speed up SI commutes?**

Staten Island Borough President James Oddo is advocating for a short-term pilot program to assess the effectiveness of various camera-based enforcement systems for high-occupancy vehicle lanes in the New York City market. But there is some concern over the technology's ability to accurately determine the number of vehicle

occupants. (Erik Bascome, [Staten Island Advance](#))

## ANALYSIS

### **New York City could destroy Uber**

The Kalanickian corporate premise that Uber can and should do what it wants in cities, regardless of regulators' objections, all but collapses when you understand how much Uber depends on cities like New York as markets. Put more bluntly, New York City might be able to destroy Uber, should it choose to. ([New York](#))

### **Buttigieg revived South Bend with tech**

South Bend, Indiana Mayor Pete Buttigieg brought data, flow charts, and McKinsey-esque analysis to city government. If the presidential hopeful could transform one city where jobs lost to globalization and the deteriorating power of labor gave way to the politics of resentment, could he also do it on a national scale? ([Wired](#))

## PROFILES

### **Lemonade's AI-based insurance**

SoftBank Group again waved its magic wand, leading a \$300 million funding round for Lemonade, a New York-based home insurance startup that says it uses artificial intelligence to streamline the insurance-buying experience. ([The Real Deal](#))

## MILESTONES

**MOVING ON:** Jimmy Asci is leaving Teneo to join WeWork as global head of communications.

**HAPPY BIRTHDAY:** To Kate Bernard, senior manager of federal affairs and international policy at Boeing.

## THIS WEEK'S EVENTS

Apr. 15 – [Conversational AI: How Messaging is Scaling Across the Entire Consumer Journey](#) (29 Little West 12th St., Manhattan)

Apr. 15-18 – **The AI Conference** (1335 Sixth Ave., Manhattan)

Apr. 16 – **Fight Fraud with Fintech** (85 Broad St., Manhattan)

Apr. 16 – **Building Smarter IoT Products with Edge AI** (19 Morris Ave., Brooklyn)

Apr. 17 – **Regenerative Tech** (175 Varick St., Manhattan)

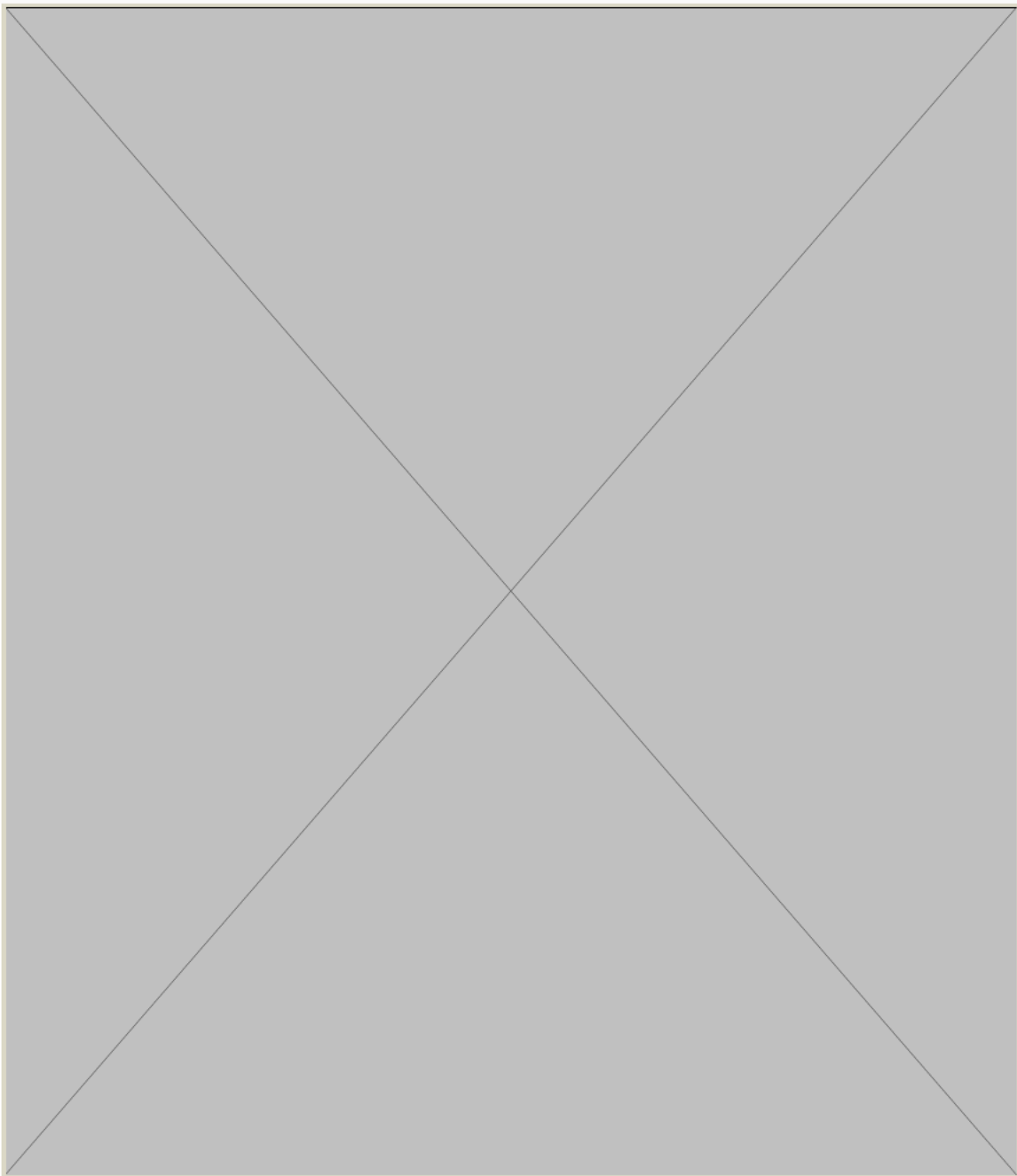
Apr. 17 – **General Assembly and Data Science Salon: Talk Data To Me** (902 Broadway, Manhattan)

Apr. 18 – **Civic Hall Member Showcase** (118 W. 22nd St., Manhattan)

Apr. 18 – **AI: Creating a Customer-Centric Enterprise Experience** (79 Fifth Ave., Manhattan)

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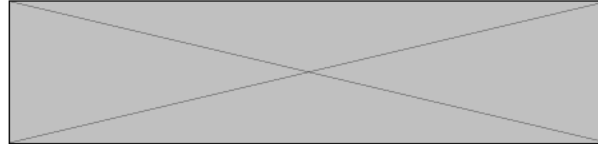
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Google opens tech training hub ... Airbnb bill introduced ... and more of today's tech news

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TUESDAY, APRIL 09, 2019

## Google opens tech training hub

Google's growing tech campus on the west side of Manhattan **launched a free tech training center** on Monday as part of a five-month commitment for its Grow with Google educational initiative in New York City.

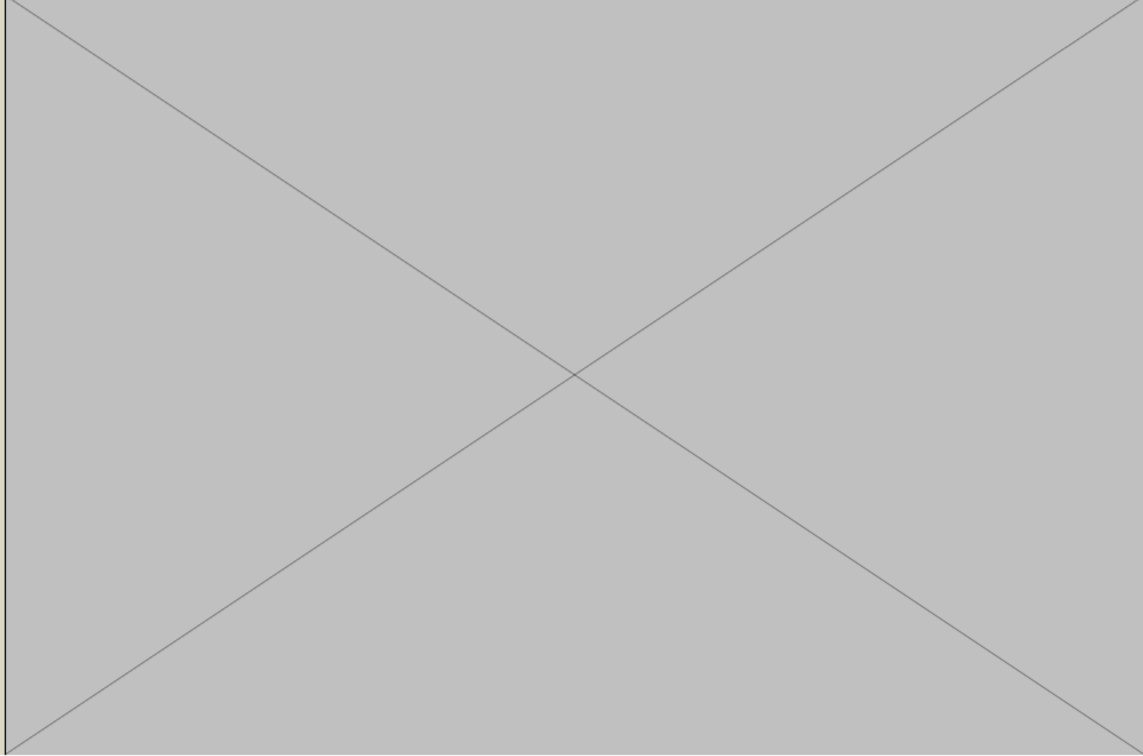
Targeting nonprofits and small business owners, the tech training hub could be a model for looping in the wider community to New York City's tech ecosystem. The learning center will offer free workshops and one-on-one skills training, including coding and website building.

With institutions like Cornell Tech coming to the city, New York has demonstrated the interest and capacity to build a more robust talent pipeline for filling jobs in the sector. And though there's still work to be done on that front, shorter-term educational programs could provide a different, important benefit. Free classes like the ones that will be offered at Google could be better suited for developing tech skills that are now necessary for any job – in the tech sector and beyond.

U.S. Rep. Jerrold Nadler and Manhattan Borough President Gale Brewer joined Google for the Monday launch, testifying to the importance of tech skills to workers.

"Tech-related skills are essential for people looking for jobs in the modern economy, and Grow with Google will go far towards helping New Yorkers gain the expertise they need to thrive," Brewer said in a statement. "I look forward to working with Google to continue helping New Yorkers reach their full potential."

– **Annie McDonough**



*Google's New York City footprint has now expanded beyond centers like this one to include a newly launched tech learning center. SHUTTERSTOCK*

## THE LATEST

### **Airbnb bill introduced**

New York Assemblyman Joseph Lentol and state Sen. James Skoufis introduced the latest version of an Airbnb-backed proposal that would require short-term rentals to be registered with the state and limit state residents to listing a single property on home-sharing sites, among other regulations. ([Associated Press](#))

### **New York to launch Tech Hub**

New York City's Economic Development Corporation will partner with two developers for a 21-story tower downtown dubbed NYC Tech Hub, which will include a tech-focused training center and incubator run by Civil Hall, office space, and a multi-vendor market run by Urbanspace. ([New York Post](#))

### **Union pushes back on digital tests**

Following last week's temporary statewide suspension of digital tests for students due to server overload, the New York State United Teachers are demanding an end to computer-based tests for elementary and middle school students, and calling into question its very merits. ([Newsday](#))

### **Census commission causes concerns**

New York's Complete Count Commission was tasked last year with preparing the state for the 2020 census, but some commissioners and activists worry that with only \$20 million earmarked for census support, crucial funding for technology and internet access will threaten what is considered to be the first "digital census." ([Times Union](#))

### **Online tax expected to net \$540M**

New York's recently passed marketplace provider tax is expected to generate \$540



million annually after it goes into effect on June 1, with a large portion of the revenue dedicated to the Metropolitan Transportation Authority's "lockbox" for transit repairs and upgrades. ([New York Post](#))

### **Gizmodo sold**

New York-based Univision sold its tech site, Gizmodo, to private equity firm Great Hill Partners – just the latest example of media outlets adjusting to a news environment dominated by Google and Facebook. ([Crain's New York Business](#))

Don't miss this year's Digital New York Summit on May 23rd running all day at the National Geographic Encounter. This event brings together different voices from the private sector and government devoted to advancing information, innovation & communication. The Digital NY Summit fosters candid discussions and thought-provoking presentations while providing access and networking opportunities with New York's tech leaders. [Get your tickets today!](#)

### **Trump threatens net neutrality veto**

On Monday, President Donald Trump threatened to veto House Democrats' Save the Internet Act to reinstate Obama-era net neutrality rules if the legislation passes in an upcoming House vote. ([The Hill](#))

### **U.K. plans social media penalties**

British regulators unveiled a landmark proposal to penalize Facebook, Google, and other companies that fail to stop the spread of harmful content online. If approved, it would give U.K. watchdogs unprecedented powers to issue fines and other punishments for failing to remove egregious posts. ([The Washington Post](#))

### **Tech hiring slows**

U.S. employers cut 155,000 information-technology jobs last month, following an upturn in IT hiring in February. Despite that decline, the unemployment rate for IT occupations dropped to 1.9 percent from 2.3 percent in February, according to CompTIA Inc. ([The Wall Street Journal](#))

### **Senators push FTC antitrust action**

Senators Amy Klobuchar and Marsha Blackburn are leading a bipartisan effort calling on the Federal Trade Commission to "take action" against Facebook and Google over possible antitrust and data privacy violations. ([The Hill](#))

## **OPINION**

### **The con of the side hustle**

I have interviewed dozens of people who work a full-time job or close to it – teachers, professors, administrators, and nurses, among others – and supplement their



incomes by driving for Lyft or serving as a barista. They are not doing it for the glamour, but to cover astronomically rising rents, record health care costs or swelling college tuition. (Alissa Quart, [The New York Times](#))

## ANALYSIS

### Ditching bikes for scooters

Less than two years after brightly colored dockless bikes suddenly began peppering the streets of U.S. cities, mobility companies just as quickly are pulling the devices and turning their focus to dockless scooters, which may be preferable to both consumers and municipalities. ([Smart Cities Dive](#))

## PROFILES

### A pharmacy disruptor

Capsule, an app-based service that delivers same-day medicine throughout all five boroughs, has both a mobile-first mindset and a physical storefront in Manhattan. Like what Amazon did to brick-and-mortar bookstores, Capsule could stop the “Duane Reade-ization” of New York. ([The New York Times](#))

## MILESTONES

**HAPPY BIRTHDAY:** To **Jeff Zucker**, president of CNN Worldwide.

## THIS WEEK'S EVENTS

Apr. 9 – [Create by Microsoft](#) (17 John St., Manhattan)

Apr. 9 – [Business Reimagined with Machine Learning and AI](#) (11 Wall St., Manhattan)

Apr. 9 – [AI & Ethics Community Conference](#) (114 Fifth Ave., Manhattan)

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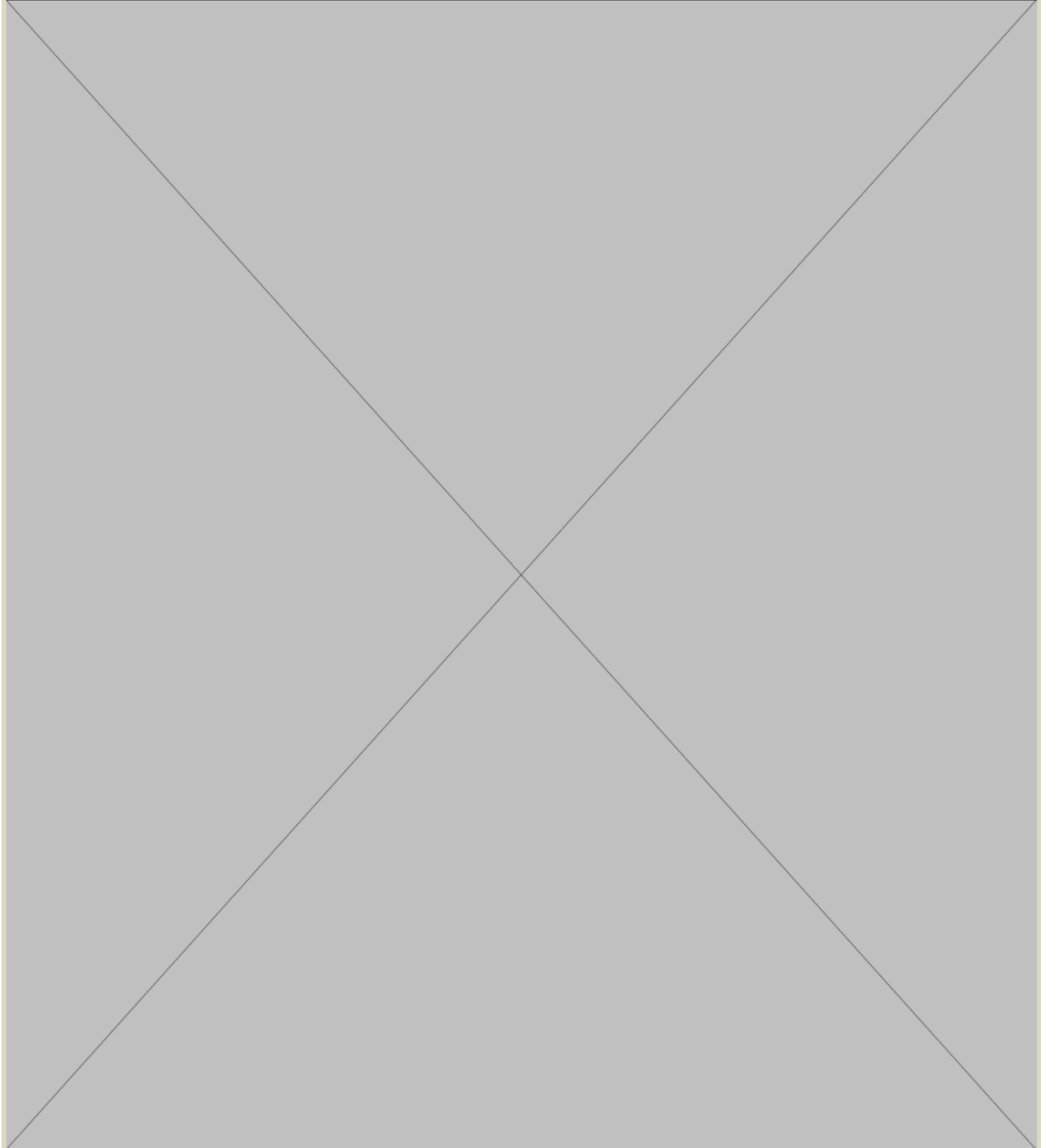
Apr. 15 – **Conversational AI: How Messaging is Scaling Across the Entire Consumer Journey** (29 Little West 12th St., Manhattan)

Apr. 15-18 – **The AI Conference** (1335 Sixth Ave., Manhattan)

Apr. 16 – **Building Smarter IoT Products with Edge AI** (19 Morris Ave., Brooklyn)

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**TOP TWEET**



Don't miss this year's Digital New York Summit on May 23rd running all day at the National Geographic Encounter. This event brings together different voices from the private sector and government devoted to advancing information, innovation & communication. The Digital NY Summit fosters candid discussions and thought-provoking presentations while providing access and networking opportunities with New York's tech leaders. [Get your tickets today!](#)

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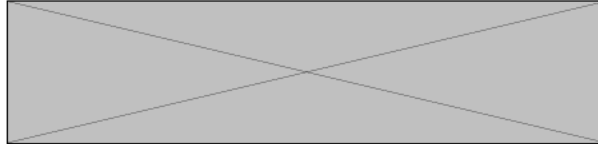
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MTA fails at facial recognition ... Charter deal expected soon ... and more of today's tech news

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MONDAY, APRIL 08, 2019


### Facial recognition a bridge too far for MTA

The Metropolitan Transportation Authority's technological reputation has taken a beating lately, most recently via Gov. Andrew Cuomo's pan of the planned subway signal technology upgrade as a relic from the '80s. Now, [reporting from The Wall Street Journal](#) has revealed that testing by the MTA of facial recognition technology at the Robert F. Kennedy Bridge has failed.

The initiative to capture faces of drivers rolled out in early 2018 on the RFK Bridge, the Queens-Midtown Tunnel, and the Hugh L. Carey Tunnel. At the time, the tech was hailed as the next frontier in security. "They're experimenting with technology that will identify someone by just the ear, believe it or not," [Cuomo said](#) then about the future of facial recognition.

But this weekend, the Journal's review of an MTA official's email revealed that images collected at the RFK Bridge did not yield any faces detected within acceptable parameters. In a pilot program like the one being reported upon, a few bumps along the road are not surprising. But the program faces another sizable roadblock: Organizations like the New York Civil Liberties Union oppose the broad application of facial recognition technology as a violation of privacy, suggesting that the challenges to implementing this technology on a wide scale don't begin and end with getting it to work.

— [Annie McDonough](#)



*The Robert F. Kennedy bridge.* SHUTTERSTOCK

## THE LATEST

### **Charter deal expected soon**

A settlement could be days away in the months-long dispute between Charter Communications and the state Public Service Commission over whether the company can keep its Spectrum cable operations in New York, just weeks ahead of a deadline to come to an agreement. ([The Buffalo News](#))

### **New tech speeds bus service**

New York City's new Transit Signal Priority technology is speeding up bus service across the five boroughs, with city and Metropolitan Transportation Authority officials saying the tech has already improved bus speeds by 25 percent in some areas. ([New York Daily News](#))

### **Cuomo: companies fear getting "Amazoned"**

Gov. Andrew Cuomo said last week that losing Amazon's second headquarters has caused other companies to second-guess moving to New York for fear of facing similarly harsh criticism from community groups and local elected officials. ([Crain's New York Business](#))

### **AOC and Gianaris fire back at Cuomo**

U.S. Rep. Alexandria Ocasio-Cortez and state Sen. Michael Gianaris criticized Gov. Cuomo and Amazon at a joint Queens constituent event on Saturday, saying that the company failed to come to the negotiating table over HQ2 plans and suggesting that Cuomo is to blame for failing to attract new businesses. ([New York Post](#))

### **Short-term renters hit with fines**

Across New York City, owners of one- and two-family homes have been hit with millions in fines related to short-term rentals through sites like Airbnb, possibly

contradicting Mayor Bill de Blasio's stated intention to crack down on the worst offenders of illegal home-sharing – namely, illegal de facto hotels. ([The City](#))

Don't miss this year's Digital New York Summit on May 23rd running all day at the National Geographic Encounter. This event brings together different voices from the private sector and government devoted to advancing information, innovation & communication. The Digital NY Summit fosters candid discussions and thought-provoking presentations while providing access and networking opportunities with New York's tech leaders. [Get your tickets today!](#)

### **Google scraps AI ethics board**

Google canceled its advisory board on artificial intelligence ethics after barely more than one week. The move followed an employee outcry and petition calling for the removal of board member and Heritage Foundation president Kay Coles James over her comments about trans people and the foundation's skepticism of climate change. ([Vox](#))

### **Philly eyes New York laws**

The head of Philadelphia's parking agency wants legislators to impose wide-ranging new regulations on ride-hailing services, calling on the city to follow the "New York model" of ride-hail regulation, including requiring the companies to share data with the city. ([Philadelphia Business Journal](#))

### **Big Tech to testify on censorship**

Tech giants Facebook, Twitter and Google are sending company representatives to testify at a Senate hearing next week about their alleged censorship of conservative voices. ([The Hill](#))

### **5G race heats up**

Last week, South Korean officials declared victory over the United States and China in the race to launch the world's first commercial fifth-generation telecoms network, but soon after, both AT&T and Verizon claimed they got there first. ([Reuters](#))

## **OPINION**

### **Bus cameras could save lives**

East Meadow school officials are preparing to install cameras on the stop-sign arms of a dozen of its 60 school buses for 30 days to identify motorists who drive around stopped buses. The Assembly recently passed legislation to allow information from those cameras to be passed on to local police. The Senate should take action as well. ([Newsday](#))

### **Ride-hail rules undermine congestion pricing**

By pursuing a wage rule for ride-hail drivers and a surcharge to address congestion, the Taxi and Limousine Commission and Albany accomplished neither goal effectively. Rather than pursuing complicated minimum wage rules, city regulators should defer to state lawmakers to implement comprehensive and fair congestion pricing. (Nick Zaiac, [Crain's New York Business](#))

## ANALYSIS

### **Rural New York's fight for internet**

While the city of Syracuse has a startlingly low rate of connectivity due largely to extreme poverty, rural areas like Tully suffer from a lack of infrastructure necessary for access, leaving many households to rely on spotty satellite connections or cellular data plans that also have limited coverage. ([The Post-Standard](#))

### **Scooters proof that government, tech can collaborate**

In the last few years, dozens of cities have embraced electric scooters and bikes buzzing up and down streets and sidewalks. Municipal governments scrambled to adjust policies to enable scooter companies' efforts while protecting the interests of public safety and welfare. Going forward, that collaboration must continue. ([Government Technology](#))

### **E-scooters' uncertain future**

The startup ecosystem is used to begging for forgiveness, rather than asking for permission. But that's not the case with electric scooters. These companies have found their success to be contingent upon continued approval from individual cities all over the world. That inherently creates a number of potential conflicts. ([TechCrunch](#))

## PROFILES

### **Sidewalk Labs' people-centric app**

Last month, New York-based Sidewalk Labs launched CommonSpace, an open-sourced app meant to make it easier for people – namely, city and county officials – to collect, analyze, and use data about people in public spaces, rather than allowing tech to analyze that data automatically. ([Government Technology](#))

## MILESTONES

**HAPPY BIRTHDAY:** To political consultant **George Arzt**.



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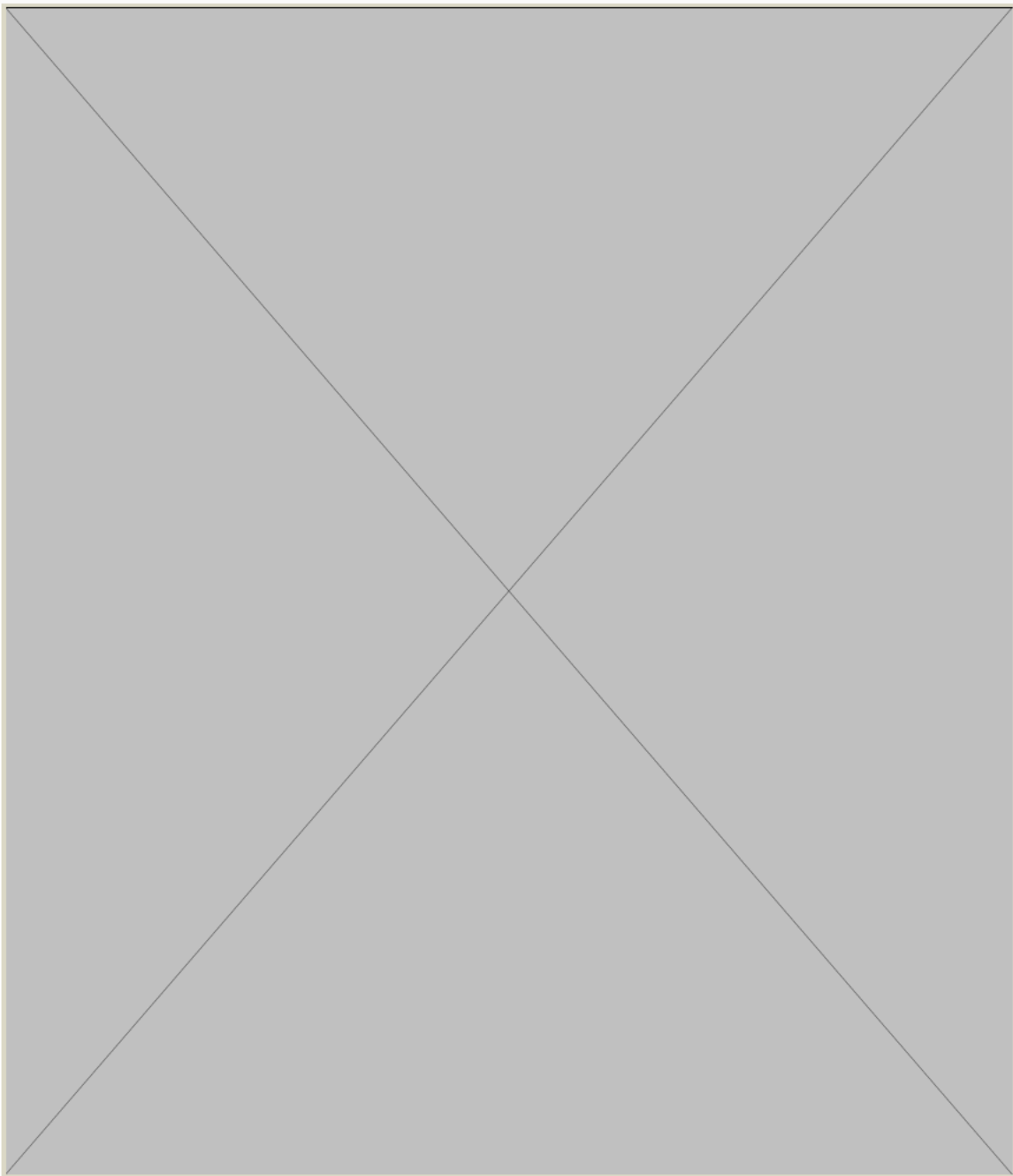
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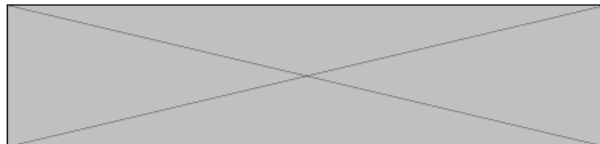
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*Automated Decision Systems under study ... Cuomo criticizes old MTA tech ... and more of today's tech news*

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FRIDAY, APRIL 05, 2019

### **Automated Decision Systems under study**

The New York City Council's Committee on Technology got its first update from the nearly year-old Automated Decision Systems Task Force, a group of technology experts and government officials charged with providing input on how the city uses algorithms to make decisions.

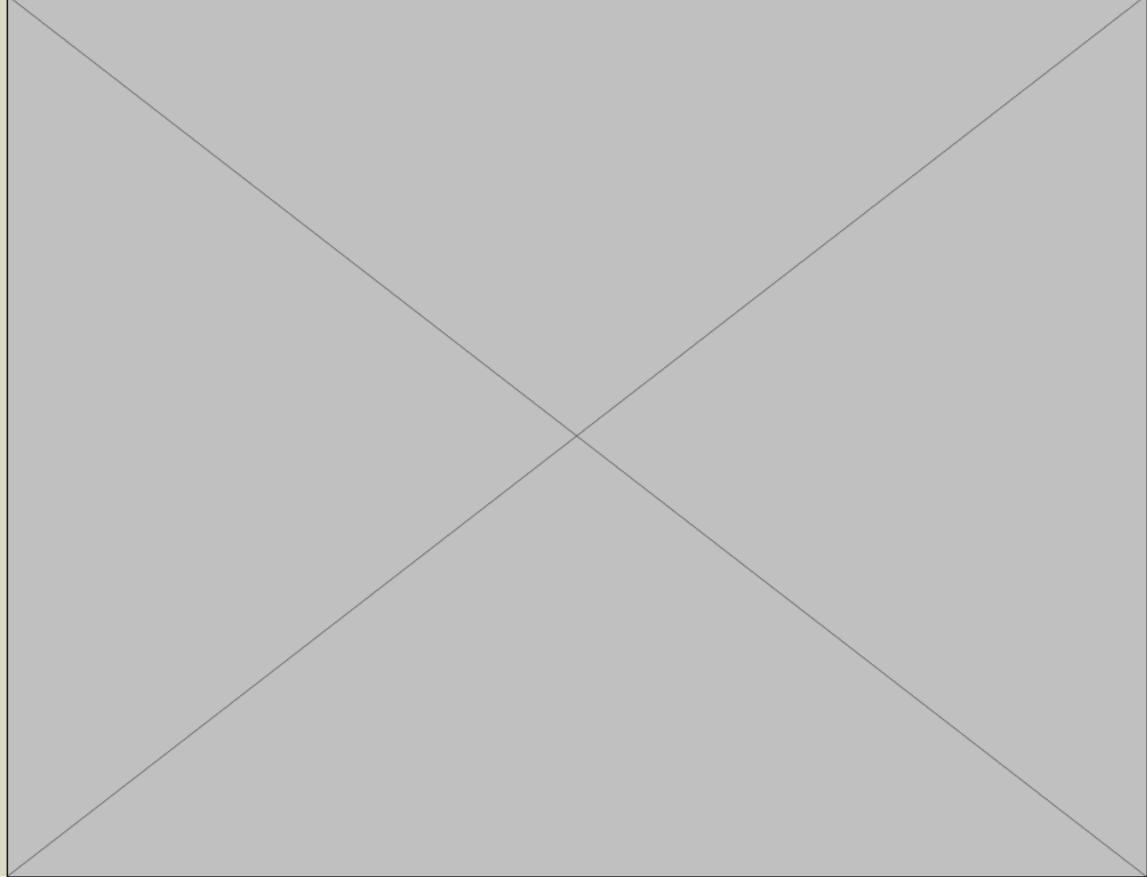
Automated Decision Systems is a broad category that can include algorithms that use artificial intelligence, machine learning or simple data analysis to make decisions about things like resource allocation for in-need schools or neighborhoods. But all algorithms invite bias – often racial bias – causing a recent uptick in scrutiny of these systems.

New York City's task force on ADS – hailed as the first of its kind in the nation – was convened in May of last year and given 18 months to make recommendations, including a procedure for how New Yorkers disproportionately impacted by ADS could obtain information on those systems, and a process for publicly disclosing information about agency ADS.

At Thursday's hearing before the City Council Committee on Technology, co-chairs of the ADS Task Force briefed council members on their work but provided few details about progress made. Jeff Thamkittikasem, director of the Mayor's Office of Operations and chair of the task force, said that because of the diverse set of 18 voices on the task force, they're still working on hammering out a definition of ADS.

Advocates and members of the public who grew frustrated with the vague answers from the task force leadership's testimony will have an opportunity to directly raise their concerns later this month. The ADS task force will hold the first of two public hearings on April 30, with additional community hearings in the works.

– *Annie McDonough*



SHUTTERSTOCK

## THE LATEST

### **Cuomo: MTA tech stuck in the '80s**

Gov. Andrew Cuomo criticized the communications-based train control signal technology at the center of New York City Transit President Andy Byford's plan to upgrade the subway, saying the tech was "designed in the '80s" and calling on Byford and the Metropolitan Transportation Authority to pursue other options. ([New York Daily News](#))

### **Byford warns against untested tech**

A day before Gov. Cuomo criticized a plan to fix the subways with communications-based train control technology, Byford argued that CBTC tech is proven and mature, and warned against pinning hopes on a system based on ultra-wideband radio, which the MTA is preparing to test in the fall. ([AM New York](#))

### **Union Square tech hub advances**

Construction of New York City's Union Square Tech Training Development Center can move forward, now that the project's developer, RAL Development, has secured \$120 million in construction financing. ([The Real Deal](#))

### **Musk-SEC dispute continues**

Elon Musk appeared in federal district court in Manhattan on Thursday, where a judge gave him and the Securities and Exchange Commission two weeks to resolve a dispute about whether Musk had violated a settlement he reached with the commission in October by tweeting – and whether should be held in contempt of court. ([The New York Times](#))

### **NYC hits new VC high**

In 2017, New York City closed nearly 1,000 deals valued at a total of about \$9.4 billion in 2017, up from \$1.7 billion in 2008. The figure leaves New York behind only Silicon Valley and San Francisco in terms of total domestic capital raised, according to a new analysis by the city comptroller. ([The Wall Street Journal](#))

### **Digital tests get extension**

New York State's computer-based testing of elementary and middle school students – suspended for a portion of this week due to technical breakdowns of the CBT operated by Questar Assessment Inc. – will be extended through April 12, Education Department officials announced Thursday. ([Newsday](#))

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### **Hoboken launches e-scooter rentals**

Hoboken is set to launch an electric scooter sharing program, making it the first in New Jersey and one of the first in the tri-state area. A six-month pilot program with companies Lime and P3GM will roll out next month, with scooters permitted to travel up to 20 miles per hour in bike lanes, but prohibited on sidewalks. ([6sqft](#))

### **Massive ICE raid at Texas tech company**

Immigration agents have arrested 280 workers at a North Texas technology company in what authorities say is one of the largest enforcement actions of its kind in a decade. U.S. Immigration and Customs Enforcement said CVE Technology Group employees were working in the United States illegally. ([New York Post](#))

### **Big Tech faces extremism questioning**

House Democrats plan to grill Facebook and Google next week on their efforts to stop the spread of white nationalism and hate speech online, following a series of violent, racially motivated attacks around the world, including a mass shooting in New Zealand last month. ([The Washington Post](#))

### **Kudlow: Government to stay out of 5G**

National Economic Council Director Larry Kudlow said on Thursday that the Trump administration opposes government intervention in the deployment of next-generation wireless networks known as 5G, following confusion around the promotion of a nationalized 5G plan by Trump campaign officials. ([The Hill](#))

### **How to practice for congestion pricing**

With congestion pricing on the horizon, the open routes of summer street festivals could be changed to reflect where pricing would be in effect in different sections of Manhattan. This way, everyone can start testing out their journeys in preparation for 2020. (Alissa Walker, [Curbed](#))

## **ANALYSIS**

### **Syracuse's struggles with connectivity**

Syracuse is the 10th-worst city in the nation for digital connectivity. One-quarter of the city's 54,000 households have no Internet. That means people from more than 13,000 homes have to go to a library or a school or a neighbor's house if they want to get online. ([Government Technology](#))

### **Streets were never free**

Congestion pricing has the potential to change how traffic flows through Manhattan streets, and how companies like Uber and Lyft operate. But if the policy spreads, it could challenge a deeply embedded cultural idea: requiring people to pay for something Americans have long demanded – and largely believe they've gotten – free of charge. ([The New York Times](#))

## **PROFILES**

### **A startup incubator for vets**

WeWork and Bunker Labs – a nonprofit employment service for veterans – are collaborating on a new program called Veterans in Residence, which offers six months of mentoring to small business owners and new startups as a way to ease the transition for military service members back into the workforce. ([CBS New York](#))

## **MILESTONES**

**MOVING ON:** Former Pandora executive **Roger Lynch** is [joining](#) Condé Nast as chief executive.

**HAPPY BIRTHDAY:** To **Lauren Barker**, senior vice president at Edelman ... on Saturday, to **Keach Hagey**, media and tech reporter at The Wall Street Journal ... and, on Sunday, to **Todd Schulte**, executive director at FWD.us.

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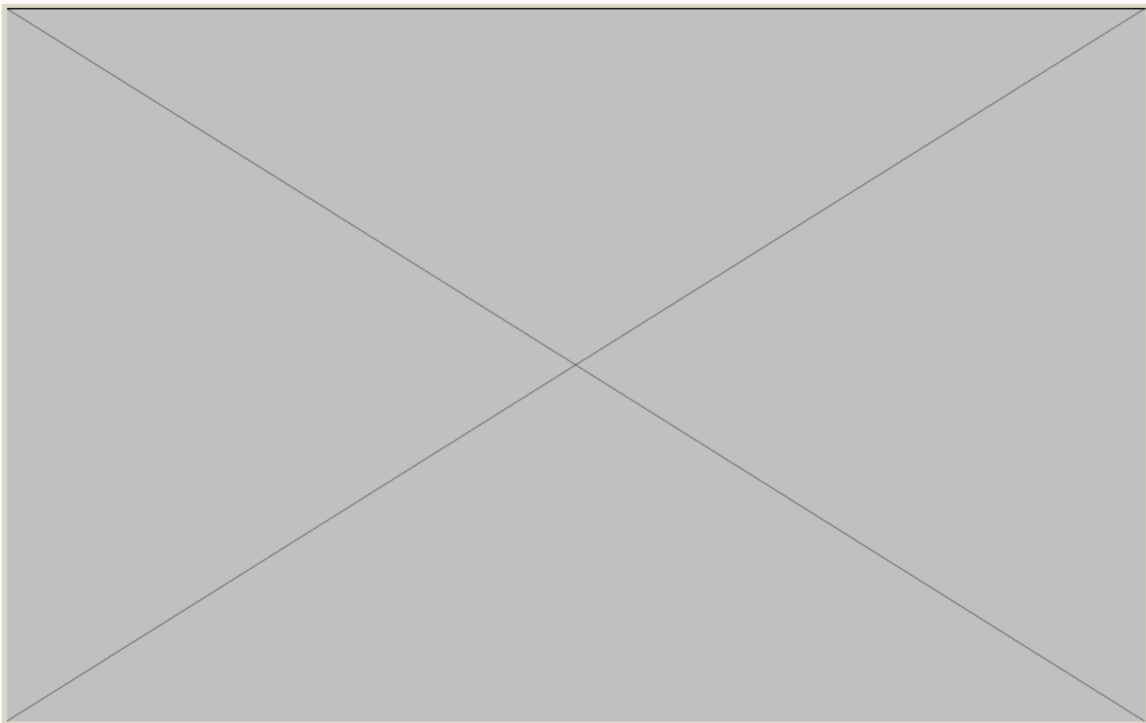
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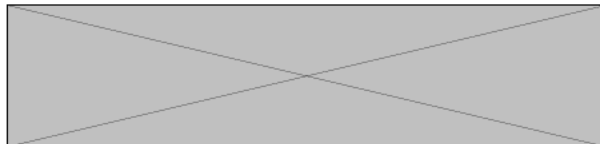
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New York hits the brakes on e-bikes ... Staten Island pols support Amazon workers ... and more of today's tech news

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THURSDAY, APRIL 04, 2019

## New York hits the brakes on e-bikes

For all of the exciting, progressive measures passed in New York's budget, steps toward legalizing e-bikes and e-scooters weren't among them.

In January, Gov. Andrew Cuomo included a line in his executive budget that would have allowed localities to decide for themselves whether to legalize e-scooters and throttle e-bikes – which, unlike pedal-assist e-bikes, are still illegal in New York. But as [Gothamist reported](#) earlier this week, that proposal was quietly dropped from the finalized budget crafted by the governor and Democratic legislative leaders, despite increasing support at both the city and state level.

While a package of New York City Council bills related to legalizing e-bikes and e-scooters is still on the table, both Mayor Bill de Blasio and City Council member Rafael Espinal – one of the sponsors of the legislation – maintain that action is required in Albany first.

Welcoming e-scooters and throttle e-bikes into New York City is not an easy decision; while it's not entirely surprising that the issue was abandoned in a heated round of budget negotiations, New York hasn't escaped the pressure to act in the short-term. The city has been accused of confiscating and ticketing throttle e-bikes in a way that disproportionately harms delivery cyclists, many of whom are immigrants, rather than the businesses that employ them.

A [separate investigation by Gothamist](#) revealed that despite a directive from de Blasio to target businesses in their crackdown on e-bikes, the New York Police Department has continued to fine cyclists. The full legalization of throttle e-bikes and e-scooters could make this particular problem go away, but if New York isn't ready to make that move, another short-term solution for effective policing will likely be necessary.

– [Annie McDonough](#)





SHUTTERSTOCK

## THE LATEST

### **Staten Island pols urge Amazon to support workers**

Staten Island's U.S. Rep. Max Rose and State Sen. Diane Savino signed on to a memo imploring Amazon to reinstate an employee who says he was fired for speaking out against the company, amplifying the concerns of labor groups, including the Retail, Wholesale and Department Store Union, that criticize Amazon's stance on organizing. ([AM New York](#))

### **FinTech Lab's new class**

New York's FinTech Innovation Lab is entering its ninth year of connecting startups with financial services and venture capital services; this year's crop of startups includes 11 companies with technology ranging from artificial intelligence to insurtech. ([Forbes](#))

### **New partnership focuses on electric vehicles**

The New York Power Authority is launching the NYPA Innovation Challenge, a partnership with New York University focused on finding and assisting startup businesses geared toward electric vehicle and energy storage technologies, to help meet the state's Green New Deal goals. ([Utility Dive](#))

### **Lyft's new service is cheaper, combats congestion**

Lyft has rolled out a pooled-ride service in New York that aims to undo some of the damage the company has suffered from new regulations while potentially cutting congestion. The program, called Shared Saver, is the company's most affordable ride-share service and has already begun in Denver and San Jose. ([Crain's New York](#))

### **Uber empties pockets for congestion pricing**

Uber has spent \$2 million since 2015 in a campaign to help push through a congestion pricing system in New York – a measure that passed in the budget this week. The rise of ride hail apps has been associated with increased congestion, but fewer cars on the road could also mean speedier rides in Ubers. ([New York Post](#))

### **Tech shells out for lobbyists**

Total lobbyist compensation in New York City increased again in 2018, but even though Airbnb paid five city firms \$377,500 total and Uber hired four outside lobbyists plus in-house staff, the city still passed laws against both companies' interests. ([Crain's New York Business](#))

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### **Congress takes aim at robocalls**

Lawmakers on the Senate Commerce Committee voted unanimously on Wednesday to advance a bipartisan bill called the TRACED Act, which would give the government more power to levy fines on illegal robocalls, marking the latest congressional effort to crack down on the billions of unwanted calls that irritate U.S. consumers every year. ([The Hill](#))

### **Experts question Amazon AI**

At least 25 prominent artificial-intelligence experts have signed a letter calling on Amazon to stop selling its facial-recognition technology to law enforcement agencies because it is biased against women and people of color, reflecting growing concern in academia and the tech industry that bias in facial-recognition technology is a systemic problem. ([The New York Times](#))

### **Net neutrality bill advances**

House Democrats advanced their flagship net neutrality bill on Wednesday, clearing the final hurdle before a floor vote next week. The Save the Internet Act would reinstate the Federal Communications Commission's Obama-era regulations requiring internet service providers to treat all web traffic equally. ([The Hill](#))

### **Big Tech's original sin**

Big Tech's problems are dizzying and manifold, but the last few years have taught us that there's an Occam's razor quality to any explanation of the toxicity of our online platforms. The original sin, it seems, isn't all that complicated; it's the prioritization of growth – above all else and at the expense of those of us who use the services.

(Charlie Warzel, [The New York Times](#))

### **Self-driving cars won't last**

We have invested years in developing social contracts around both private and public transportation. When you get on a bus or a train, or in a car, you acknowledge that the person at the wheel is in charge. This power relationship is what allows shared transportation to flourish, but it disappears in a shared driverless vehicle. (Meredith Broussard, [Vox](#))

## **ANALYSIS**

### **Are “smart cities” a cash cow?**

Initiatives that make use of traffic monitors, environmental sensors, and mobile apps have given local governments mountains of new data to assist in finding new solutions to problems. There's a host of possibilities for how to use the data, but some cities are eyeing a lucrative use: selling that information. ([StateScoop](#))

### **Democrats change data operation**

The Democratic National Committee is preparing to pull the plug on Vertica, their data repository, to launch a new, powerful system called the Data Warehouse. It will be backed by Google's analytics tool called BigQuery, a cloud-based platform capable of handling the massive data sets the DNC will be crunching. ([Wired](#))

### **The problem with AI ethics**

In the past few years, tech companies certainly seem to have embraced ethical self-scrutiny: establishing ethics boards, writing ethics charters, and sponsoring research in topics like algorithmic bias. But these boards and charters may not be changing how companies work – or holding them accountable in any way. ([The Verge](#))

## **PROFILES**

### **UpTop wants to ease the hassles of renting**

The New York City rental market is bogged down by inefficiencies for all parties involved. That's why New York City startup UpTop built an end-to-end platform that combines a rental listing search engine with property management software.

([AlleyWatch](#))

## MILESTONES

**MOVING ON:** Former chief technology officer at the Democratic National Committee, **Raffi Krikorian**, is **joining** Emerson Collective as a managing director.

**HAPPY BIRTHDAY:** To **Teddy Himler**, principal at SoftBank Group.

## THIS WEEK'S EVENTS

Apr. 4 – **The Art of Data: Processing NYC** (2950 Broadway, Manhattan)

Apr. 4 – **Exploring the Successful Growth of FinTech Companies** (1301 Sixth Ave., Manhattan)

Apr. 4 – **The Tech Advantage Series: Cybersecurity's Expanded Ecosystem** (1133 Sixth Ave., Manhattan)

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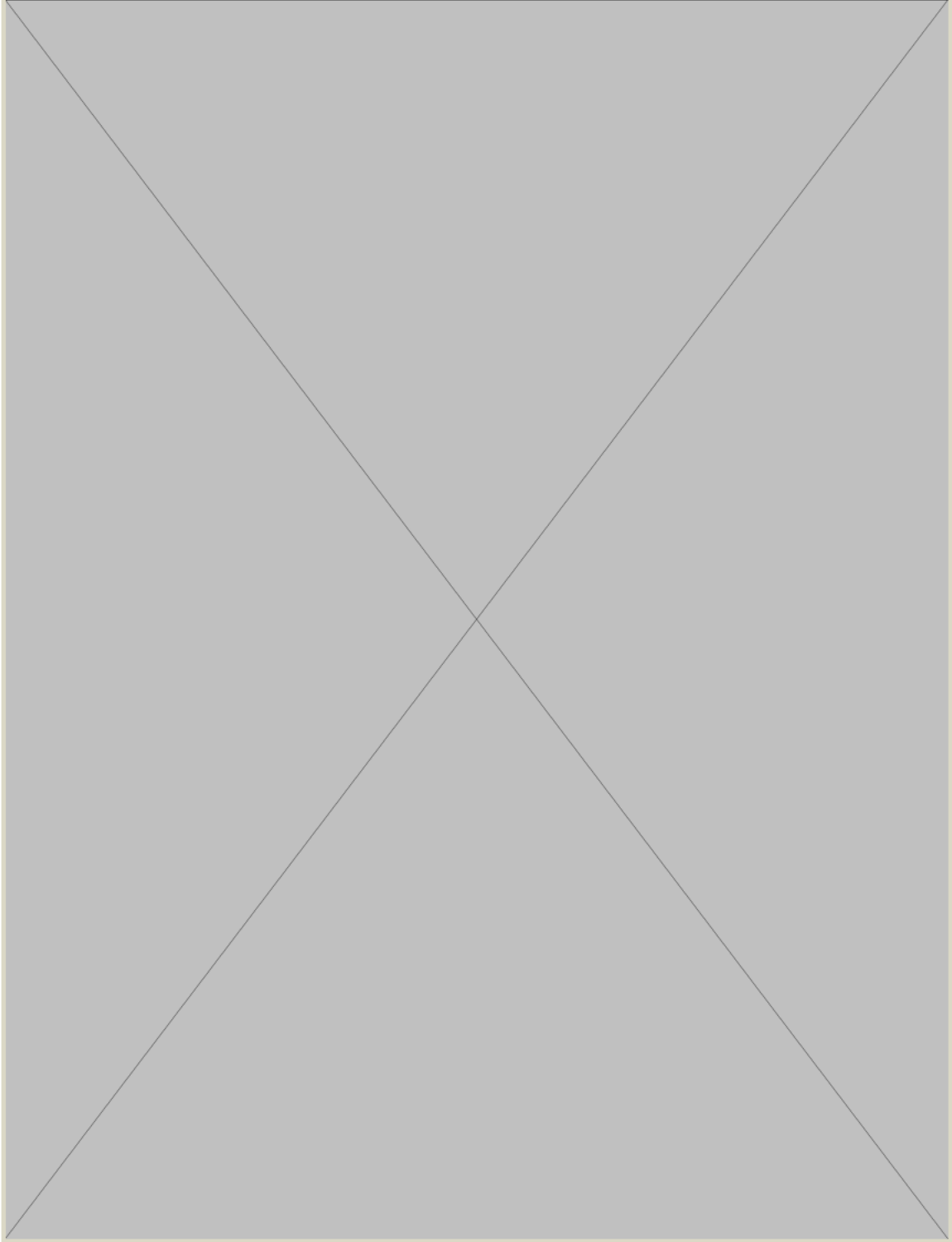
April 10 – **Why No One Is Looking at Your Summary Statistics** with UX + Data Meetup (110 Fifth Ave., Manhattan)

Apr. 10 – **Women's Startup & Entrepreneur Night** at Microsoft (11 Times Square, Manhattan)

Apr. 11 – **Executive Summit 2019: The Next U.S.-China Frontier** (1601 Broadway, Manhattan)

*Have a birthday, career change, birth, death or calendar event to announce? Email us at [tech@cityandstateny.com](mailto:tech@cityandstateny.com).*

## TOP TWEET



The Tech Council's 22nd Venture Conference showcases the region's most promising companies and offers insights from many of the nation's top investors. We expect over 1,000 entrepreneurs, developers, angel investors, venture capitalists, investment bankers, lenders and business leaders as well as students and professional advisors from the region. The event will be held at the Wellness Center at NJIT in Newark 4/11. [Get your tickets here.](#)

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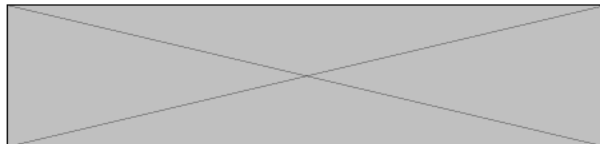
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New York can't let go of HQ2 ... E-bikes dropped from budget ... and more of today's tech news

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WEDNESDAY, APRIL 03, 2019

## Longing for HQ2

In the nearly two months since Amazon walked away from plans to build a second corporate headquarters in Long Island City, New Yorkers of all stripes have been engaged in a mourning process. While HQ2's harshest critics haven't expressed much regret over the death of the deal, Gov. Andrew Cuomo and other supporters went so far as to beg for a second chance with Amazon's Jeff Bezos in a [full-page open letter](#) in The New York Times.

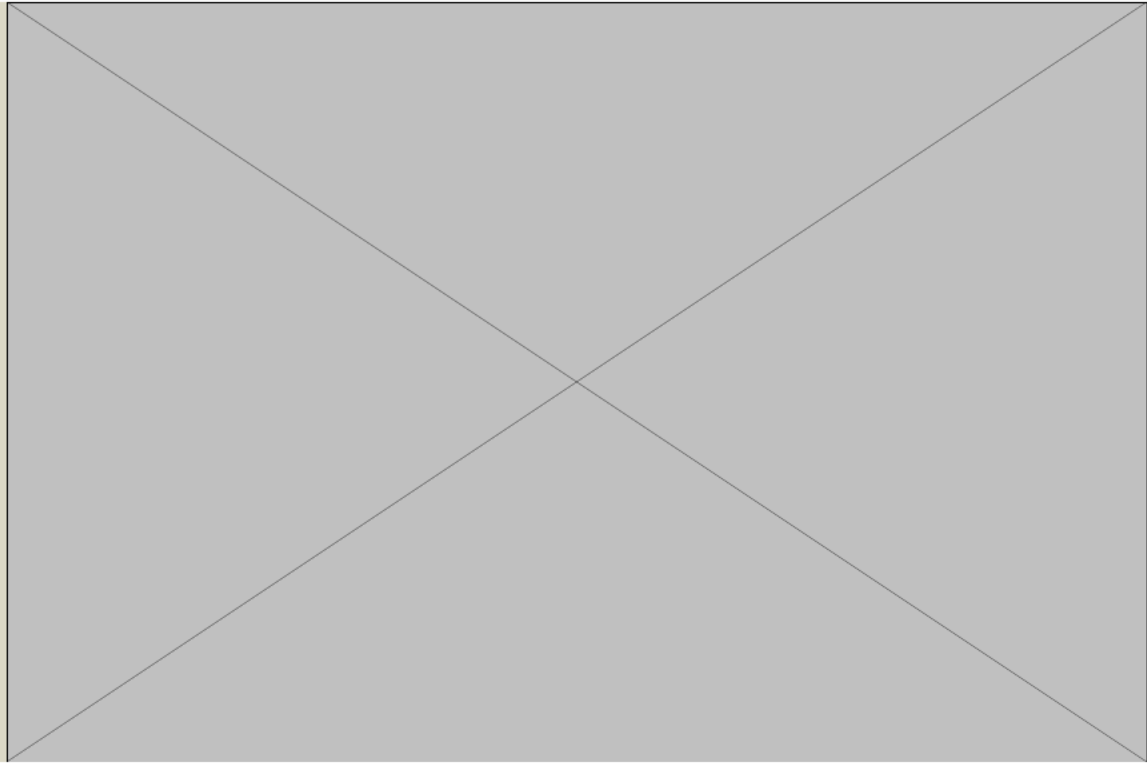
There's likely no realistic shot at winning Amazon back, but that hasn't stopped pollsters and pundits from weighing in on the question. In a [Quinnipiac University poll](#) released on Tuesday, respondents said they would want Amazon to come back, by a margin of 61-32. And while much of the HQ2 opposition came from local officials worried about the negative effects of having a neighbor like Amazon, respondents to the poll in Queens also said they want the company to come back, by a 58-34 margin. In Staten Island, where Amazon has a fulfillment center, most respondents (79-18) were also in favor of the company's return.

These polls, however, don't change the fact that the question of Amazon's return is likely moot. While proponents of HQ2 could point to the polls to quell criticism of the next big economic development project in New York City, it's not clear that HQ2's opponents will be any less effective in shooting down the next similarly sized entity trying to open shop in New York. But public opinion was shown to be in favor of the deal even before Amazon left.

Until three key parties – Cuomo and New York City Mayor Bill de Blasio, progressive leaders, and the companies themselves – do a better job of negotiating a deal, public opinion may not have much of a say in which company, if any, gets to be more successful than Amazon in that regard.

– [Annie McDonough](#)





SHUTTERSTOCK

## THE LATEST

### **E-bikes dropped from budget**

New York's \$175.5 billion budget does not include a measure allowing localities to decide for themselves whether to legalize e-bikes and e-scooters, despite Gov. Andrew Cuomo including it in his original budget proposal. ([Gothamist](#))

### **Johnson eyes new ride-hail bill**

City Council Speaker Corey Johnson said on Tuesday that he would welcome a bill requiring Ubers and Lyfts to display an illuminated sign to make them easier to spot, following the murder of a New Jersey student in South Carolina after mistakenly getting into a car she thought was her Uber ride. ([New York Post](#))

### **English test encounters tech difficulties**

The New York state Education Department pulled the plug Tuesday on computer-based English Language Arts exams, announcing a statewide suspension of the digital tests on Wednesday because of the recurrence of glitches with the technology, provided by Questar Assessment Inc., that have plagued testing in past years. ([Newsday](#))

### **NYPD hits CompStat high**

Official statistics released on Tuesday show that last month was the safest March since New York City began computerized crime tracking in 1994. The New York Police Department said major crimes dropped 6.2 percent overall compared to March 2018, with declines in all seven categories. ([New York Post](#))

### **Brooklyn's next development fight**

Sunset Park residents are fighting back against the proposed rezoning of Industry City, saying that community needs haven't been addressed, including protections



against gentrification and climate change. ([Pacific Standard](#))

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### **Malware scare at Mar-a-Lago**

Secret Service agents arrested a Chinese woman after she bypassed layers of security and gained access to the reception area of President Trump's Florida resort this past weekend, saying they found she was carrying two passports and a thumb drive containing malicious software, according to court documents. ([Washington Post](#))

### **YouTube warned about toxic videos**

In recent years, scores of people inside YouTube and Google, its owner, raised concerns about the mass of false, incendiary, and toxic content hosted on the world's largest video platform. ([Bloomberg](#))

## **OPINION**

### **H-1B policies darken IT outlook**

The current H-1B selection process is broken and tactical fixes proposed by the USCIS – such as rejiggering the selection process to include more master's candidates and introducing an electronic filing system in 2020 – are akin to rearranging the deck chairs on the Titanic. (Gary Beach, [The Wall Street Journal](#))

## **ANALYSIS**

### **The right price for congestion**

The congestion pricing challenge is straight out of the Economics 101 textbook. Make it too expensive and inconvenient to drive in Manhattan and traffic evaporates – but the city will raise little money to invest in its struggling transit network. Set a lower price, and the city will raise lots of money for subways – but not relieve much congestion. ([Wired](#))

## PROFILES

### An IT recovery plan

FireHydrant, an NYC startup, wants to help companies recover from IT disasters more quickly and understand why they happened – with the goal of preventing similar scenarios from happening again. ([TechCrunch](#))

## MILESTONES

**MOVING ON:** BetaNYC Executive Director **Noel Hidalgo** has been appointed to New York City's Commission on Civic Tech/Public Interest Tech .... And McKesson's **Lamis Hossain** is joining Uber Health as director of legal.

**HAPPY BIRTHDAY:** To **Patrick Muncie**, deputy communications director for transportation for Gov. Cuomo and former managing director at Tusk Ventures ... and to **Gina Glantz**, founder of [genderavenger.com](#).

## THIS WEEK'S EVENTS

Apr. 3 – **Empire FinTech Conference** (340 W. 50th St., Manhattan)

Apr. 3 – **Data Science Day at Columbia University** with Brad Smith (2920 Broadway, Manhattan)

Apr. 3 – **Innovating Disruption at the 59th Parallel** (10 Hudson Yards, Manhattan)

Apr. 4 – **The Art of Data: Processing NYC** (2950 Broadway, Manhattan)

Apr. 4 – **Exploring the Successful Growth of FinTech Companies** (1301 Sixth Ave., Manhattan)

Apr. 4-7 – **Startup Weekend NYC Financial Inclusion Edition** (43 W. 23rd St., Manhattan)

Apr. 5-7 – **First Robotics Competition: New York City Regional** (216 Fort Washington Ave., Manhattan)

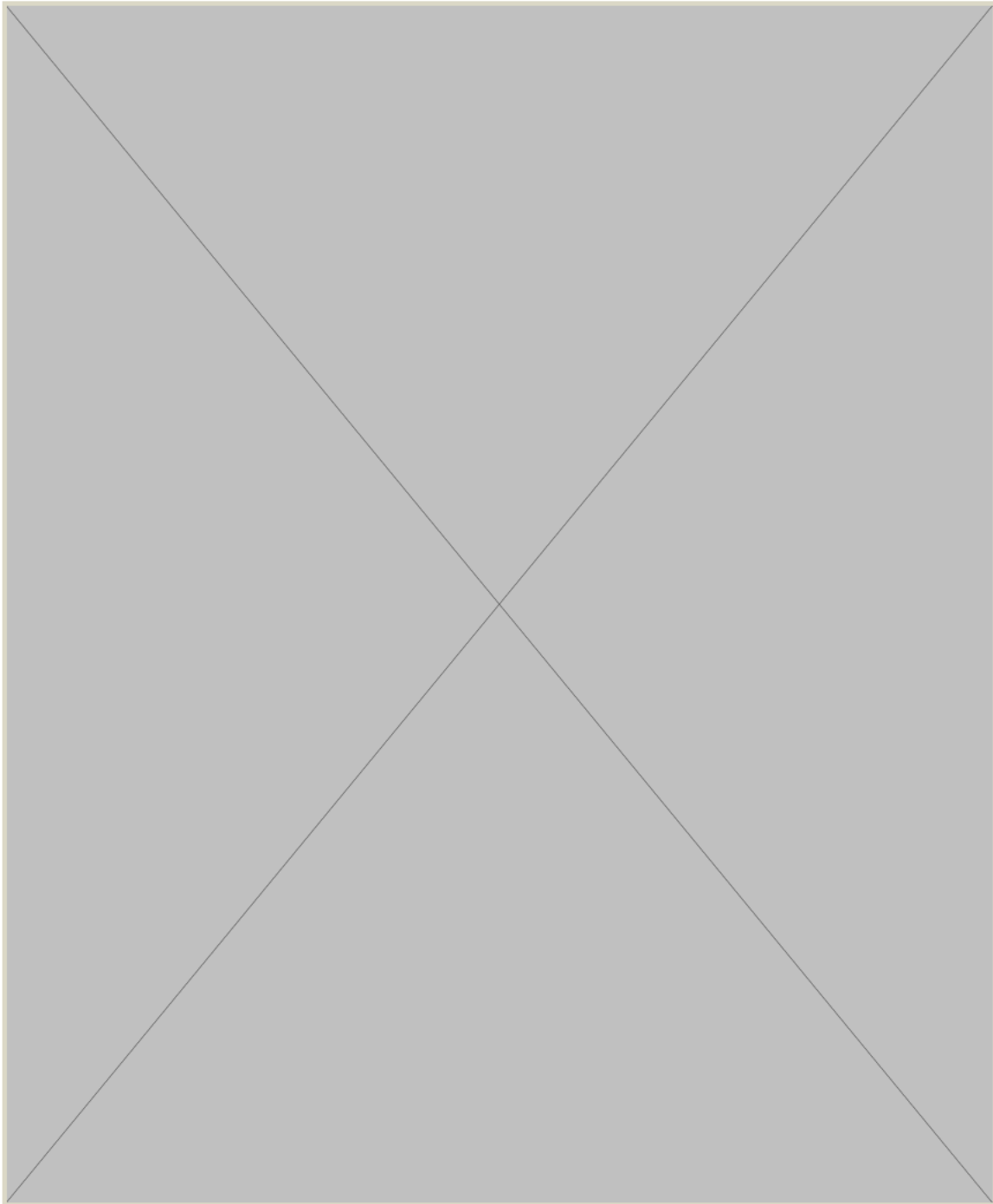
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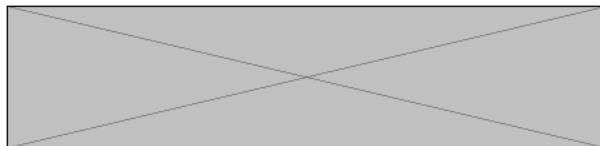
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NYC extends dockless bike pilot ... NYPD gets help from new software ... and more of today's tech news

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MONDAY, MARCH 11, 2019


### **DOT extends dockless bike pilot program**

As the debate over legalizing e-bikes and e-scooters intensifies between New York City Mayor Bill de Blasio and the City Council, the Department of Transportation is leaning into one new initiative. Its pilot of dockless bikes – including pedal-assist e-bikes – **was extended for another three months after rolling out last July.** The program – which includes operators Lime, JUMP and Motivate – is, in part, an attempt to serve parts of the city not already reached by Citi Bike at a lower cost of capital by using bikes without docking stations.

Since beginning the pilot, Lime has increased its fleet in Staten Island and Far Rockaway, and, thanks to demand for the company's pedal-assist bikes – a less powerful e-bike that is legal in New York City – the company is now using more pedal-assist bikes in the pilot than traditional ones. "We saw there was a much higher ridership with the e-bikes and that people were willing to take them farther distances, because it really is giving them increased mobility, making the time that it takes to travel anywhere much shorter," said Phil Jones, Lime's East Coast senior director of government relations. "Also, looking at Staten Island, which has hills, the e-bike was a godsend for the people there from that perspective."

While throttle e-bikes and e-scooters are not part of the pilot, the DOT's continued interest in new transportation solutions like dockless bikes could bode well for the future of legislation on the issue in the City Council. "We see this as the first step in making sure that this conversation is had and that we really are discussing as many options as possible for people here in New York," Jones said.

– **Annie McDonough**



*Lime is one of three companies, along with JUMP and Motivate, taking part in a pilot program offering dockless short-term bike rentals in New York City.* MICHAEL APPLETON/MAYORAL PHOTOGRAPHY OFFICE

## THE LATEST

### **NYPD gets help from new software**

The NYPD has a new digital pattern-spotting tool called Patternizr to help connect crimes across precincts and find suspect more quickly. The program, designed in-house over two years, automates traditional police legwork through machine learning to find patterns in crimes. ([New York Post](#))

### **Warren vows to break up Big Tech**

U.S. Sen. Elizabeth Warren stomped on the Long Island City grave of Amazon's planned headquarters on Friday night, where she held a campaign rally for her 2020 presidential bid and spoke about her plan to break up tech giants like Google, Facebook, and Amazon. ([The Daily Beast](#))

### **New York launches consumer privacy protection program**

The Division of Consumer Protection is launching a program to examine internet applications' terms of service and then make policy recommendations to ensure consumers are protected, beginning with an analysis of the privacy policy of Venmo, the cash transfer app. ([Crain's New York Business](#))

### **Via benefits from regulations that hurt Uber and Lyft**

A new minimum wage for app-based drivers in New York City and a congestion surcharge hit companies like Uber, Lyft and Via in February. But while Uber and Lyft raised fares to comply with the new regulations, Via kept its fares the same, and reports that business has been up 15 percent since the new rules went into effect. ([Crain's New York Business](#))

### **Scooter companies advocate for legalization in budget**

The major players in the world of e-scooters – including Lime, Bird, and JUMP – are



urging the state Legislature to follow Gov. Andrew Cuomo's lead and support "e-scooter authorization" in the state budget, sending a letter that calls on lawmakers to catch up to other states in legalizing e-scooters and e-bikes. ([Times Union](#))

### **Charter granted another extension from PSC**

The Public Service Commission hasn't followed through on a July 2018 decision to kick Charter Communications out of the state for what it claimed was inadequate follow-through on a promised buildout of broadband service. After an initial deadline of 60 days to file a transition plan, the PSC has again extended Charter's deadline, this time to May. ([ArsTechnica](#))

### **Amazon warehouse finds critics upstate**

A massive warehouse Amazon wants to build in Orange County is going through a thorough Environmental Impact Statement, calling the attention of residents of Schodack, where critics say a nearly identical Amazon warehouse proposal is sailing through without consideration of its impact on things like traffic and other quality of life issues. ([Times Union](#))

City & State is proud to partner with Verizon to present **5G and the Fourth Industrial Revolution: How Tech-Driven Innovation Can Help Improve the Lives of All New Yorkers**. Join us on **April 11th from 8:30AM to 11:30AM** for a half day conference bringing together government officials and high level executives in technology, telecommunications and digital strategy. This event is **FREE ADMISSION**. [Register today and become part of the conversation!](#)

### **Klobuchar suggests new tech tax**

U.S. Sen. Amy Klobuchar – a presidential candidate who has supported the push for privacy legislation and antitrust action around tech – is now floating the idea of taxing tech companies when they sell user data, though she has called the idea an "option" as she has not put forward a detailed policy proposal. ([The Verge](#))

### **New bill would require disclosure of data practices**

U.S. Sen. Mark Warner is reportedly drafting a bill that would require web platforms of a certain size, including Facebook and Google, to regularly tell users the value of their data, as well as disclose to the Securities and Exchange Commission how that data was obtained. ([Axios](#))

### **Airbnb battles Miami Beach**

Not unlike the situation in New York City, Airbnb is locked in a regulatory battle with Miami Beach, as the city tries to control the home-sharing market with regulators going after illegal short-term rentals. In return, Airbnb is suing the city, calling its regulations overly burdensome. ([The New York Times](#))

## **Negotiation lessons from the Amazon blow-up**

The failed deal between Amazon and New York represents a few common and avoidable negotiation errors that should be avoided in future conversations between New York and other companies. (Robert Bordone and Daniel Garodnick, [Gotham Gazette](#))

## **ANALYSIS**

### **Hudson Yards' tax breaks bigger than Amazon's**

New York was riveted by the debate over whether Amazon should receive \$3 billion in tax breaks to build a new headquarters in Queens, but the city government has for more than a decade been funneling even more aid – all told, nearly \$6 billion – to Hudson Yards. ([The New York Times](#))

### **Big Tech forced to play defense**

Big Tech is patient zero for the plain truth that vast agglomerations of money and power, combined with opaque business practices and little government oversight or accountability, does not tend to fare well in democratic societies – especially as politicians like Elizabeth Warren call for industry reform. ([Wired](#))

## **PROFILES**

### **Tech's most important women**

Though women have been key figures in every part of scientific and technological progress, men's narratives still dominate. Jewel Burks, Fei-Fei Li, and Elizabeth Smith Friedman are just a few of the visionaries in science and technology who should be household names. ([Wired](#))

### **The man deciding Facebook's fate**

The Federal Trade Commission has no shortage of critics who say it cannot protect Americans from the prying eyes of Big Tech. But in the deregulatory era of the Trump administration, new agency head Joseph Simons is a rare voice for strengthening the government's hand. ([The New York Times](#))

## **MILESTONES**



**HAPPY BIRTHDAY:** To **Nick Shapiro**, global head of trust and risk management at Airbnb.

## THIS WEEK'S EVENTS

Mar. 11 – **Who Runs the World? ERA Female Founders Night** (111 Eighth Ave., Manhattan)

Mar. 12 – **Entrepreneurs Roundtable 128** (11 Times Square, Manhattan)

Mar. 13 – **Mobile Growth New York with Shake Shack, CBS Interactive and Spotify** (150 E. 42nd St., Manhattan)

Mar. 14 – **Trends and Challenges in the Technology Market in NYC** with Sosa and Escalon Services (149 Fifth Ave., Manhattan)

Mar. 14 – **Pitch2China Competition** (424 Broadway, Manhattan)

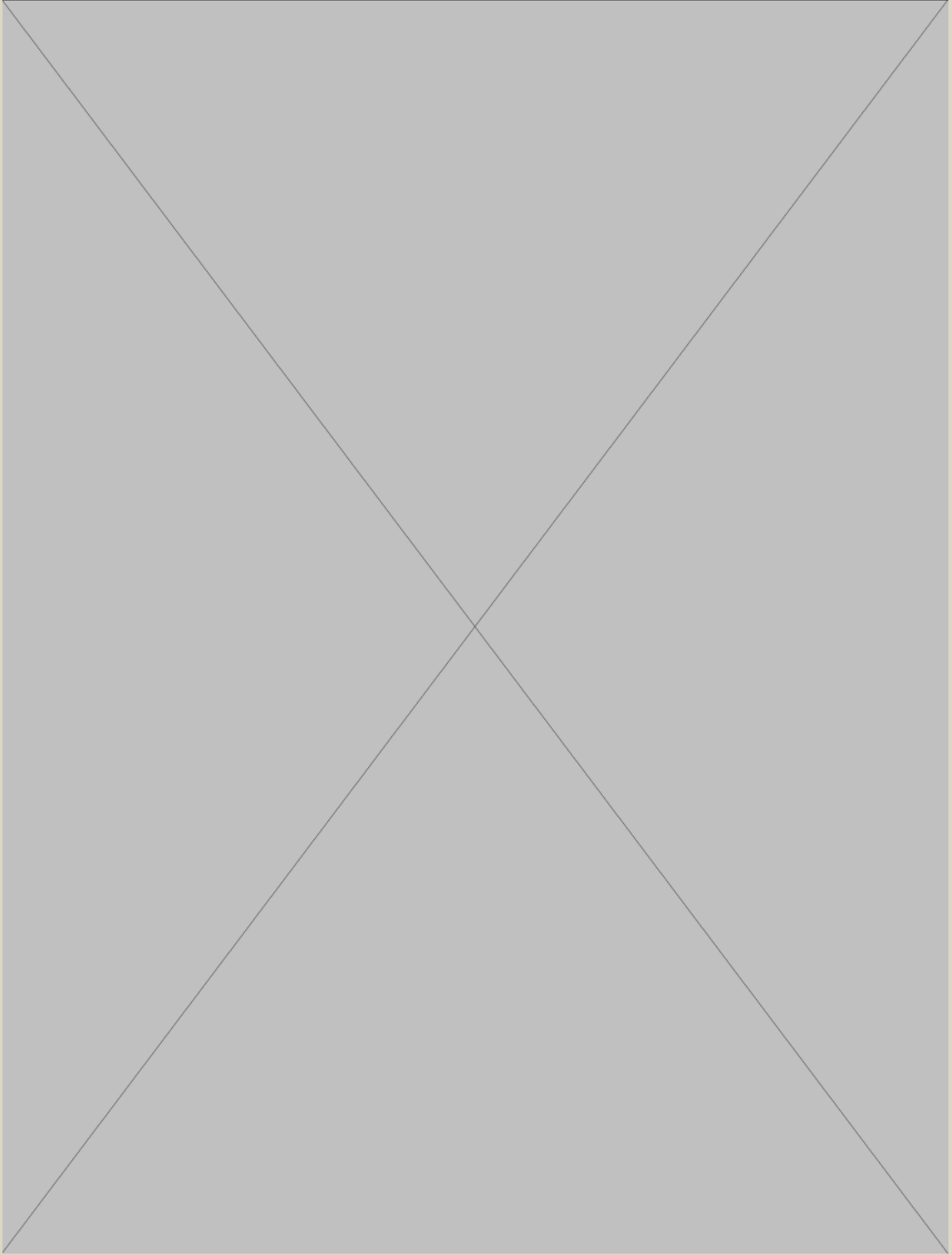
Mar. 14 – **NYC Cleantech Open Launch Party** (335 Madison Ave., Manhattan)

Mar. 18 – **Enhancing Transparency in Software Development** (10 Hudson Yards, Manhattan)

Mar. 18-22 – **Postgres Conference** (811 Seventh Ave., Manhattan)

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## TOP TWEET



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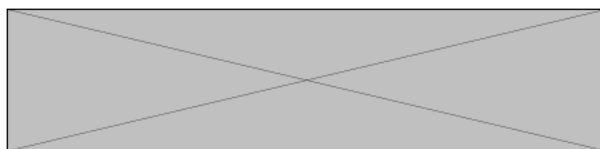
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*The board that could kill HQ2 ... Regulators near agreement with Charter Spectrum ... and more of today's tech news*

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WEDNESDAY, FEBRUARY 6, 2019

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## What to know about the Public Authorities Control Board


Of the \$3 billion in incentives New York offered Amazon to bring the company's new headquarters to Long Island City, only a portion of that – **up to \$505 million in a state grant** – is theoretically subject to approval by the Public Authorities Control Board, the state body to which state Sen. Michael Gianaris was nominated on Monday. Experts say that Gianaris, a noted HQ2 critic, would likely have veto power on the capital grant.

"My understanding of the PACB's power is, they have the power to approve project financing – and in the case of Amazon, that would be the state's discretionary construction grant for up to \$500 million and change," said John Kaehny, executive director of Reinvent Albany.

Former Assemblyman James Brennan also interprets the PACB's powers to include approval of the state grant being offered to Amazon. "The statute kind of suggests that anything that might put the state at risk in some way directly or indirectly also was subject to approval, so that's why grants are subject," said Brennan, who sat on the PACB as the Assembly's appointee from 2015 to 2016.

Gov. Andrew Cuomo disagrees, however, saying on Tuesday that while some parts of the project plan for HQ2 might have to go before the PACB, the capital grant wouldn't. If that's the case, the governor will eventually need to be more specific on why not. "There's a question about what the PACB's role would actually be in this transaction, if any," Cuomo said in an interview with WAMC's Alan Chartock on Tuesday. "Because they don't have to approve the financing. They would approve something called the project plan – it gets technical." [Read more here.](#)

– [Annie McDonough](#)



*Gov. Andrew Cuomo, R, with Robert Mujica, his budget director and appointee on the Public Authorities Control Board. DARREN MCGEE/OFFICE OF THE GOVERNOR.*

## THE LATEST

### **De Blasio reaffirms faith in HQ2 deal**

New York City Mayor Bill de Blasio said on Tuesday that the city needs Amazon's new headquarters to help diversify its economy beyond Wall Street, adding that he doesn't believe any elected official would want to be responsible for losing the jobs HQ2 would bring. ([Fortune](#))

### **Bloomberg criticizes Amazon headquarters deal**

Former New York City Mayor Michael Bloomberg said he thinks the tax breaks included in the deal to bring a new Amazon headquarters to Long Island City weren't necessary to attract the tech giant to New York. Mayor de Blasio responded by pointing out Bloomberg's policies that favored the wealthy, like a low tax rate for the rich. ([New York Post](#))

### **Regulators near agreement with Charter Spectrum**

New York state's Public Service Commission suggested there could soon be a basic settlement with Charter Communications over the commission's 2018 order kicking Charter out of the state for allegedly failing to expand broadband access as promised. ([Democrat & Chronicle](#))

### **Report: Apple eyes Hudson Yards spot**

Apple is in advanced talks to purchase a 60,000-square foot spot at 55 Hudson Yards, where it could expand its office presence in Manhattan. The company is reportedly also in talks to have a large retail presence at the Hudson Yards complex. ([New York Post](#))

### **Techstars and Alchemist announce blockchain startup accelerator**

Techstars, a worldwide accelerator network, and Alchemist, a blockchain advisory firm, have announced the inaugural class of their blockchain startup accelerator.

which will help grow 10 startups in New York City over the course of 13 weeks. (CryptoNinjas)

SAIC overbilled NYC over \$500M on City Time project. TransparentBusiness makes billed time verifiable and can save NYC and NYS billions of dollars, at zero cost and zero risk, see [AvoidOverbilling.com](#) Corporations too can save tens of millions by requiring their contractors to provide transparent verification of billable hours. TransparentBusiness is designated by Citigroup as the Top People Management Solution and is an official partner of Google, Microsoft, SAP, Cisco, ADP, Facebook, and EY.

### **State of the Union address largely avoids tech**

In President Donald Trump's State of the Union address on Tuesday night, the tech industry was only briefly mentioned despite a series of high-profile scandals, breaches, and controversies that have thrust Big Tech to the center of the national political discourse over the past year. (GeekWire)

### **Politicians deal with the other HQ2**

While a debate over Amazon's impending arrival in Long Island City rages on in New York City Council, Arlington County board members are working on a labor agreement to protect employees' rights for their new Amazon headquarters. The board will vote on its incentive package for their HQ2 in March. (DCist)

### **Advocacy groups urge Democrats to oppose border smart wall**

More than two dozen civil liberties and immigration groups sent a letter to U.S. House of Representatives Speaker Nancy Pelosi urging Democratic leadership to oppose surveillance technology at the U.S.-Mexico border, arguing that it would intrude on the liberties of anyone crossing or living near the border. (The Washington Post)

### **FCC radio spectrum access plan draws warning**

The Federal Communications Commission proposed a new rule to allow unlicensed users access to a frequency on the radio spectrum – the 6 GHz band – for Wi-Fi connectivity. Tech companies have praised the plan but groups representing utility companies warn that it could clog mobile communications for licensed energy companies. (Axios)

## **OPINION**

### **Force labor-busting Amazon to change course**

Before New York politicians reached an agreement to host Amazon's new headquarters in Queens, the company should have agreed to neutrality for New York City workers – a legitimate demand given the billions of dollars in workers' hard-



earned taxes slated to be handed to the most powerful company on the planet. (Stuart Appelbaum and George Miranda, [New York Daily News](#))

### **Using technology to turn the tide on climate change**

The democratization of science and technology has opened the door for millions of new engineers, entrepreneurs and inventors to enter the marketplace. Some sectors, like the cooling industry, remain siloed – but incentives to invent cooling alternatives could change that. (Alex Dehgan, Chad Gallinat and Jay Sullivan, [The Hill](#))

## **ANALYSIS**

### **Reselling HQ2 to New York City**

Amazon has touted new jobs, tax revenues and training that will come with its subsidized plan for a New York HQ2 – to mixed results. City & State asked the experts what more Amazon could do to sell its plan – and how the standoff compares to past development battles in the city. ([City & State](#))

### **Can the Google walkout bring about greater change?**

Rage drove employees' protest against the company's handling of sexual harassment cases last year, but some feel Google did the bare minimum by ending forced arbitration in those cases. Whether the walkouts can bring greater lasting change remains to be seen. ([Intelligencer](#))

### **The micromobility gold rush has only just begun**

The recent explosion of electric bikes and electric scooters across the country and the world has many ready to dive all in on companies like Bird and Lime and their efforts to expand in metropolitan areas. But this gold rush will only pay off if certain issues around the tech are resolved, including rider safety. ([CityLab](#))

## **PROFILES**

### **MetaProp wants to disrupt the affordable housing world**

The New York-based tech accelerator is joining Enterprise Community Partners to introduce a partnership focused on supporting early-stage startups that make housing cheaper to rent and easier to build – just as an effective response to the affordable housing crisis becomes less likely at the government level, a senior associate at MetaProp says. ([Curbed](#))

### **Making new drugs with a dose of artificial intelligence**

DeepMind, the artificial intelligence lab owned by Google parent company Alphabet, specializes in “deep learning,” a type of AI that is rapidly changing drug discovery science. DeepMind is one of a growing number of companies applying similar

methods to parts of the long, enormously complex process that produces new medicines. ([The New York Times](#))

## MILESTONES

**MOVING ON:** **Rick Carey** is returning from JP Morgan to UBS as group chief technology officer in New York.

**HAPPY BIRTHDAY:** To **Ken Lisaius**, senior vice president of communications at the Biotechnology Innovation Organization ... to **Alexa Cassanos**, vice president at Viacom and GE and Facebook alum ... and to **Malcolm Glenn**, head of global policy, accessibility and underserved communities at Uber.

## THIS WEEK'S EVENTS

Feb. 3-6 – **Software Architecture Conference** (1335 Sixth Ave., Manhattan)

Feb. 6 – **Making Sense of the Cybersecurity Landscape** with the Kellogg Alumni Club of New York (230 Park Ave., Manhattan)

Feb. 6 – **What Computers Can Teach Us About Humans** with UX + Data (110 Fifth Ave., Manhattan)

Feb. 6 – **Jet Tech Big Data Meetup** (221 River St., Hoboken, New Jersey)

Feb. 6 – **February New York FinTech Meetup:** FinTechs Riding the Macro Wave (885 Third Ave., Manhattan)

Feb. 7 – **Brooklyn Newsmakers:** Deputy Secretary of Transportation Michael Wojnar (6 Metro Tech Center, Brooklyn)

Feb. 7 – **Intro to Artificial Intelligence Research:** the People, Money, and Companies Powering Global AI Innovation (71 W. 23rd St., Manhattan)

Feb. 7 – **Leading Cyber Ladies:** Hacking the Glass Ceiling (149 Fifth Ave., Manhattan)

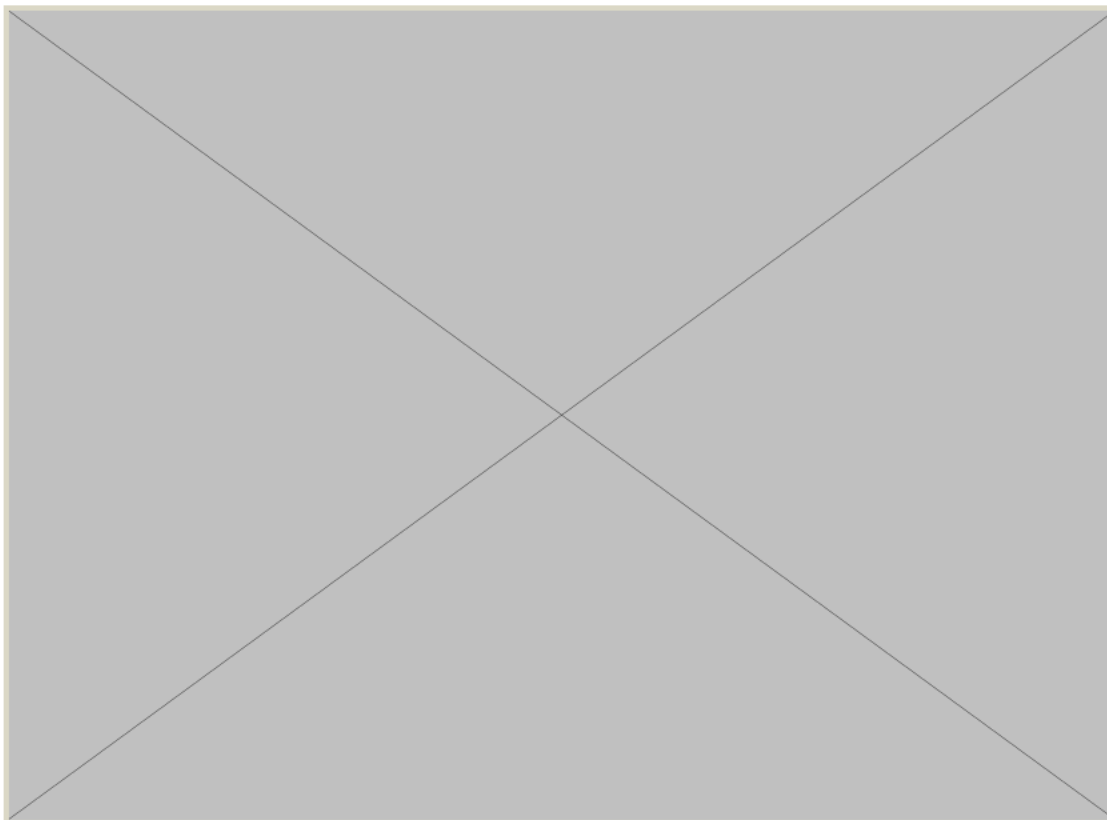
Feb. 8-10 – **Techstars Startup Weekend** New York City Diversity (641 Sixth Ave., Manhattan)

Feb. 12 – **SOSA NYC and RobotLab: Cybersecurity & Machines** (149 Fifth Ave., Manhattan)

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**TOP TWEET**



SAIC overbilled NYC over \$500M on City Time project. TransparentBusiness makes billed time verifiable and can save NYC and NYS billions of dollars, at zero cost and zero risk, see [AvoidOverbilling.com](http://AvoidOverbilling.com) Corporations too can save tens of millions by requiring their contractors to provide transparent verification of billable hours. TransparentBusiness is designated by Citigroup as the Top People Management Solution and is an official partner of Google, Microsoft, SAP, Cisco, ADP, Facebook, and EY.

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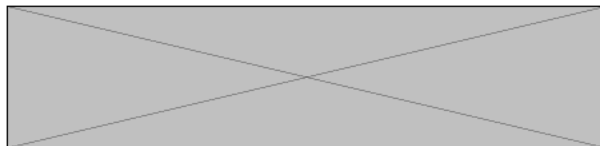
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TUESDAY, FEBRUARY 5, 2019

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## Gianaris could veto Amazon HQ2

Critics of Amazon may have just found a silver bullet to block the plan to build the company's new headquarters in Long Island City. On Monday, the **state Senate nominated Sen. Michael Gianaris** of Queens – one of HQ2's most vocal opponents – to a seat on the Public Authorities Control Board, the state body that Gov. Andrew Cuomo has said will have to approve HQ2. Gianaris would be one of the board's three voting members and would have the power to veto the project.

While many national, state and local politicians have spoken out against plans for a new headquarters – including the \$3 billion in tax incentives New York used to woo Amazon – Gianaris is one of the few who have taken up arms in the fight, including engaging in a PR battle of sorts with the tech giant by **sending out his own anti-HQ2 mailers to Long Island City residents** who have been bombarded with fliers from Amazon extolling HQ2's benefits. A seat on the Public Authorities Control Board could give Gianaris some real firepower.

Still, it's not a done deal. While the PACB's voting members are nominated by the Assembly, state Senate and governor, the governor has to confirm all of them – something it's not clear Cuomo will do with Gianaris. It's also not clear what parts of the \$3 billion deal the PACB has the authority to veto. The **governor's office has at times argued** that the PACB does not have authority over the \$505 million state capital grant, while Cuomo later said that it does. While details are hashed out to determine the actual significance of the board, Gianaris is making it clear that he doesn't see the existing deal as something that can be improved. "I'm not looking to negotiate a better deal," **he said in an interview with the New York Times**. "I am against the deal that has been proposed and don't believe that it can form the foundation of a negotiation."

– **Annie McDonough**



*State Sen. Michael Gianaris.* FROM THE NEW YORK SENATE WEBSITE

## THE LATEST

### **New York beats San Francisco as world's best tech city**

A new index by real estate brokerage Savills Plc has placed New York City first on a ranking of the world's tech hubs. The author of the report said that factors like New York's talent pool, ability to scale and work-life balance factored into the ranking. ([Bloomberg](#))

### **New York extends talks with Charter again**

Talks between the New York Public Service Commission and Charter Communications were extended another 30 days after the commission first said it would boot Charter from the state last July for allegedly failing to fulfill a promise to expand broadband access across the state. ([Syracuse](#))

### **Syracuse gets \$500K infusion for smart city work**

The New York Power Authority is putting \$500,000 toward a plan to replace all of Syracuse's streetlights with energy-efficient bulbs and create an interconnected smart grid throughout the city. ([Government Technology](#))

### **Subway signals guru hired to modernize NYC Transit**

Pete Tomlin, a guru who has worked on subways in London and Hong Kong, was hired to head up a project to rewire 11 subway lines over the next decade for New York City Transit, using new communications-based train control technology. ([New York Daily News](#))

### **Uber co-founder buying up New York real estate**

Travis Kalanick, the Uber co-founder and former chief executive officer who resigned in 2017 amid a slate of scandals at the company, has scooped up four commercial real estate properties in Manhattan and Queens for about \$39 million as he begins his latest venture as CEO of Los Angeles-based City Storage. ([The Real Deal](#))

### **Spotify looks to acquire Brooklyn media company**

Spotify is in talks to buy Gimlet Media, the Brooklyn-based company known for its

podcasts, marking what could be one of the biggest acquisitions in the podcasting industry; reports say Spotify is expected to pay more than \$200 million for Gimlet. ([Recode](#))

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### **On Facebook's 15-year anniversary, Zuckerberg addresses criticisms**

As Facebook continues to face intense scrutiny over data leaks, political disinformation, and alleged monopoly power, company founder and CEO Mark Zuckerberg wrote that people "overly emphasize the negative" consequences of the internet. ([Business Insider](#))

### **FCC's cuts to broadband subsidy in tribal lands overturned**

A federal appeals court overturned a 2017 decision by the Federal Communications Commission that would make it harder for tribal residents to obtain a \$25-per-month Lifeline subsidy for phone and internet access. The ruling said the FCC and chairman Ajit Pai failed to provide evidence to support the change. ([Ars Technica](#))

### **Pallone reintroduces robocall bill**

Rep. Frank Pallone, chair of the U.S. House Energy and Commerce Committee, reintroduced a bill to give the Federal Communications Commission expanded authority to combat robocalls and increase the statute of limitations for those who violate robocall prohibitions. ([The Hill](#))

## **OPINION**

### **Technology can help navigate bureaucracy**

From managing the government's Supplemental Nutrition Assistance Program to paying parking tickets on time or using payday loans, new technology solutions – like New York City's text reminders for info about SNAP recertification deadlines and where to get help – can guide low-income people through complexity. (Tina Rosenberg, [The New York Times](#))

## **ANALYSIS**

### **In tech, populism is trumping politics**

In New York, Amazon has been shocked by the fierceness of local opposition as the political forces that are tilting elections and anointing new heroes on the left and right are now ensnaring one of the world's largest companies. ([Bloomberg](#))

### **The rise of the robot reporter**

As reporters and editors are laid off by digital publishers and traditional newspaper chains alike, machine-generated journalism is on the rise. But journalism executives say it is not a threat to human employees – rather, the idea is to allow journalists to spend more time on substantive work. ([The New York Times](#))

### **Tech is splitting the U.S. workforce in two**

Automation is changing the nature of work, pushing workers without a college degree out of productive industries like manufacturing and high-tech services, and into jobs with meager wages and little prospect for advancement. Meanwhile, a small island of highly educated people can make good wages at companies like Intel or Boeing. ([The New York Times](#))

## **PROFILES**

### **Leveraging technology in real estate**

Clelia Warburg Peters, president of New York's Warburg Realty, is also a co-founding partner of MetaProp, a PropTech accelerator, consultant, and seed-state venture fund devoted exclusively to real estate technology. ([Forbes](#))

## **MILESTONES**

**MOVING ON:** **Heather Janik**, an alum of former New York City Mayor Michael Bloomberg's administration, is joining Glen Echo Group as a vice president.

**HAPPY BIRTHDAY:** To **Sam Cooper**, senior manager for government partnerships at Bird.

## **THIS WEEK'S EVENTS**

Feb. 5 – **February 2019 New York Tech Meetup:** Artificial Intelligence and Affective Computing (28 W. 23rd St., Manhattan)

Feb. 3-6 – **Software Architecture Conference** (1335 Sixth Ave., Manhattan)

Feb. 6 – **Making Sense of the Cybersecurity Landscape** with the Kellogg Alumni Club of New York (230 Park Ave., Manhattan)

Feb. 6 – **What Computers Can Teach Us About Humans** with UX + Data (110 Fifth Ave., Manhattan)

Feb. 6 – **Jet Tech Big Data Meetup** (221 River St., Hoboken, New Jersey)

Feb. 6 – **February New York FinTech Meetup**: FinTechs Riding the Macro Wave (885 Third Ave., Manhattan)

Feb. 7 – **Brooklyn Newsmakers**: Deputy Secretary of Transportation Michael Wojnar (6 Metro Tech Center, Brooklyn)

Feb. 7 – **Intro to Artificial Intelligence Research**: the People, Money, and Companies Powering Global AI Innovation (71 W. 23rd St., Manhattan)

Feb. 7 – **Leading Cyber Ladies**: Hacking the Glass Ceiling (149 Fifth Ave., Manhattan)

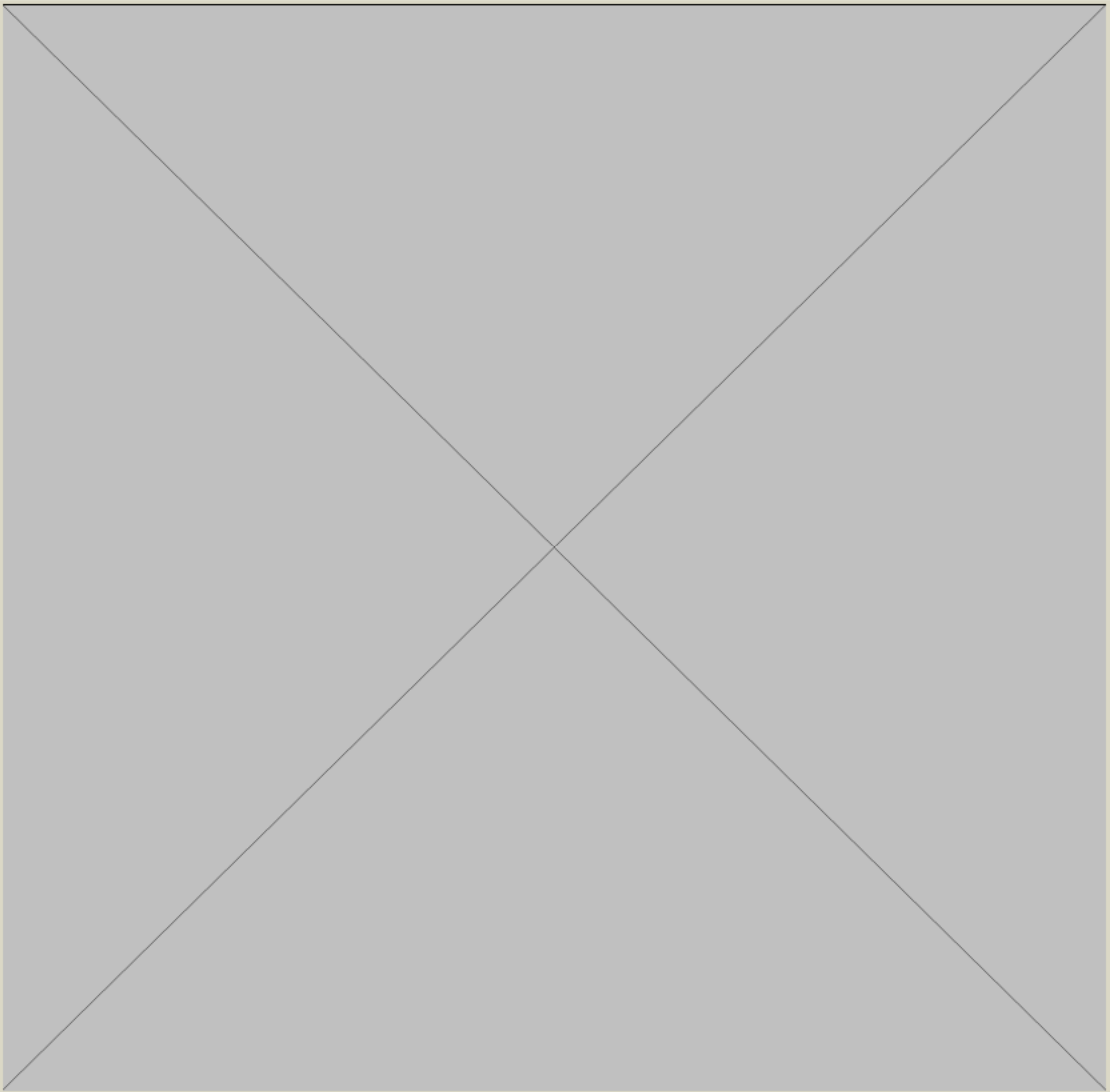
Feb. 8-10 – **Techstars Startup Weekend** New York City Diversity (641 Sixth Ave., Manhattan)

Feb. 12 – **SOSA NYC and RobotLab: Cybersecurity & Machines** (149 Fifth Ave., Manhattan)

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**TOP TWEET**





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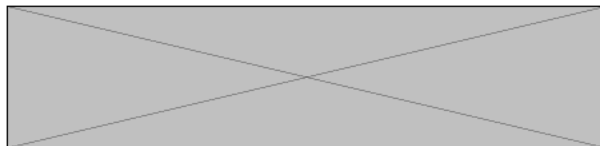
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*Messy rollout for ride-hail drivers' minimum pay ... New York prosecutes first "SIM swapping" case ... and more of today's tech news*

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**MONDAY, FEBRUARY 4, 2019**

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### **New minimum pay rule for ride-hail drivers gets messy rollout**

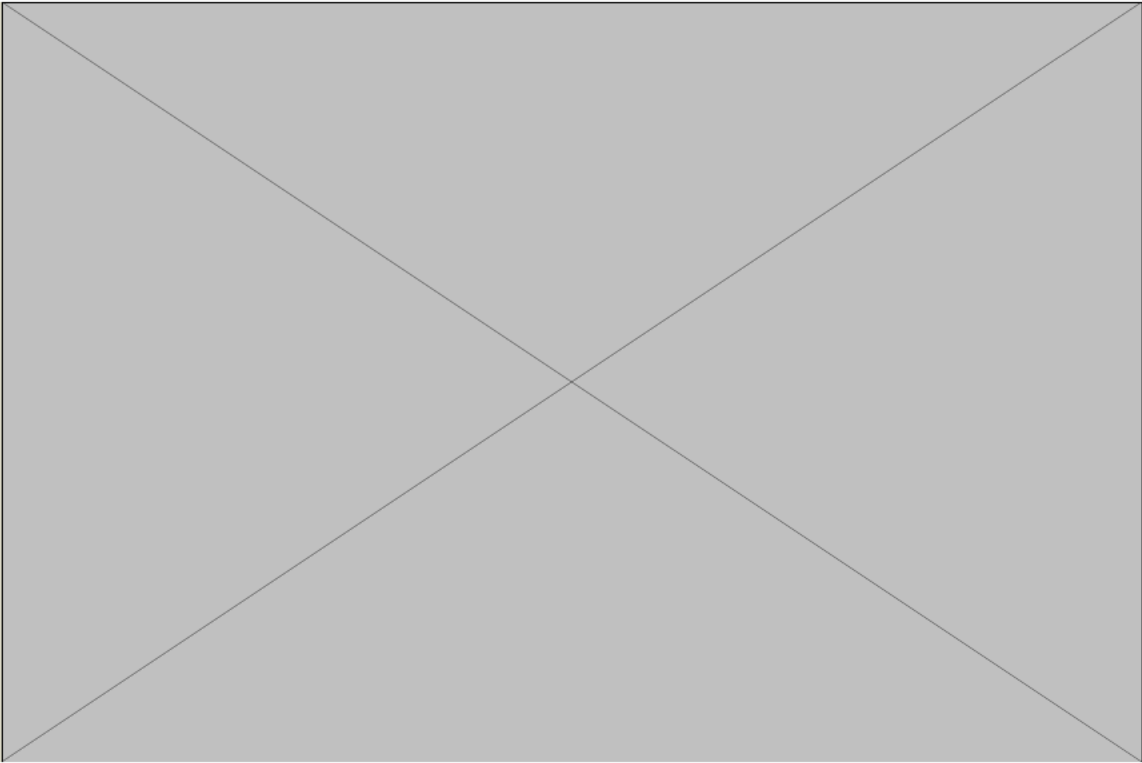
When New York passed the nation's first minimum pay rate for drivers of ride-hailing apps last December, it was seen by some as a win for those working in the often unpredictable gig economy, boosting drivers' rates by about \$5 an hour. Just before the new rule was set to go into effect late last week, Lyft and Juno sued to block it, **arguing that the formula used to determine the minimum pay standards unfairly benefits** companies that have more users. In this case, that's Uber, the app that holds the biggest chunk of New York City's ride-hailing market.

A judge ruled not to block the new law entirely, but it did offer Juno, Lyft, and Uber the option to put drivers' new additional pay in escrow until the suits are resolved. Uber declined, saying that it would begin paying the higher wage, while **Lyft said that it would pay the minimum wage, but calculated on a weekly basis** – instead of using the Taxi and Limousine Commission's formula – and would put the difference between those two figures into escrow, according to CityLab.

Beyond the extra hassle of litigation, the messy rollout of the higher wages has created an image problem for Lyft and Juno. Both companies have been **marketed as driver-friendly alternatives** to Uber; Lyft has made it clear that it's not against minimum pay for drivers, but objects to how the current formula arrives at that figure. But by suing to halt the first minimum pay law on the books for ride-hail drivers, Lyft and Juno have ensured that there will still be some PR cleanup to do when this fight is resolved.

– **Annie McDonough**





*The view from the back seat of a Lyft going from Brooklyn to Manhattan. SHUTTERSTOCK*

## THE LATEST

### **Man charged with stealing \$500,000 in “SIM swapping” scheme**

A 20-year-old pleaded not guilty to a 52-count indictment that said he stole half a million dollars by impersonating smartphone owners to gain access to victims' online accounts, marking New York's first prosecution of a “SIM swapping” crime. (KSRO)

### **Cab drivers protest fare hikes outside Cuomo's office**

The new congestion pricing fee that went into effect over the weekend for all ride-hail drivers drove taxi drivers worried the fee will further damage their livelihood to protest outside Gov. Andrew Cuomo's Manhattan office. (New York Post)

### **AI Gore-backed startup moves to 3 World Trade Center**

Asana Inc., a work-management software startup backed by former U.S. Vice President Al Gore, agreed to lease space at 3 World Trade Center, joining tech companies like Spotify and Google that have announced moves downtown in recent years. (Bloomberg)

### **NYPD encourages use of fake home security cameras**

As the Canarsie area struggles with a home robbery spike, officials from the New York Police Department encouraged residents at a neighborhood meeting to use \$10 fake security cameras to fight back against thieves who steal packages from front doors. (New York Post)

### **Open-source maker startup lays off employees**

New York City-based LittleBits, an open-source maker startup, began laying off employees as part of an internal restructuring; the company is focusing on its education business, which can be a more stable and lucrative sector. (TechCrunch)

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### **Net neutrality battle continues in court**

Oral arguments were heard Friday in the case challenging the Federal Communications Commission's repeal of net neutrality rules. State and local officials, consumer groups, and tech companies want to overturn the FCC's repeal of net neutrality rules, which the commission says were harmful to internet providers. ([The Washington Post](#))

### **DNA testing company works with FBI on violent crime cases**

Family Tree DNA, an at-home genetic testing kit for people to trace their ancestry and locate relatives, is working with the Federal Bureau of Investigation and allowing agents to search its vast genealogy database in an effort to solve violent crime cases. ([BuzzFeed News](#))

### **Behind tech's shine, some warnings signs appear**

Big chip suppliers are warning about a sales slowdown this year – an abrupt reversal after stellar results in 2018 for the business that gave Silicon Valley its name. ([The New York Times](#))

## **OPINION**

### **If pols force Amazon out of town, there will be no returns**

If the New York City and New York state politicians don't come to their senses, the opposition to Amazon's new headquarters in Queens could soon be followed by the national embarrassment of driving away hotly desired positions, billions in tax revenues and the guarantee that New York will be a global tech leader for a generation. ([New York Daily News](#))

### **We won the Amazon challenge**

Amazon and Google's plans to expand in New York City have also made the Capital Region a winner. What they'll be doing downstate will make the Capital Region a lot more attractive to people down there who don't yet know what everybody here knows, which is that this is a great place to live. (Rex Smith, [Albany Times Union](#))

### **How Silicon Valley puts the 'con' in consent**

Countless devices and internet services now pervade daily life, but we don't need to

live in a world governed by their terms and conditions. If empowered and properly funded, the Federal Trade Commission can become the privacy watchdog that this era so desperately needs. ([The New York Times](#))

## ANALYSIS

### Unions split over Amazon

Last week, property service worker union SEIU 32BJ held a pro-Amazon rally and the Retail, Wholesale and Department Store Union and its allies held an anti-Amazon rally – all while an Amazon executive was telling New York City Council that the company plans to oppose any union campaigns it encounters here. ([Splinter](#))

### H-1B visa changes will simplify process

Under rules changes to the H-1B visa program, applicants with advanced degrees will have a higher chance of success in obtaining visas; all applicants will register with the immigration office, but will only need to submit all their application materials if they are selected to apply in the lottery. ([TechCrunch](#))

## PROFILES

### Albany recruiter knows where to find tech talent

Dean Iacovetti, who started his firm, Vanta Partners, to help place tech talent in new jobs, says there is enough tech talent in the region to satisfy the demand by companies to hire qualified software engineers, despite years of reports that companies struggle to find the right people. ([Albany Business Review](#))

## MILESTONES

**HAPPY BIRTHDAY:** To **Sarah Brown**, chief of staff at Tech:NYC.

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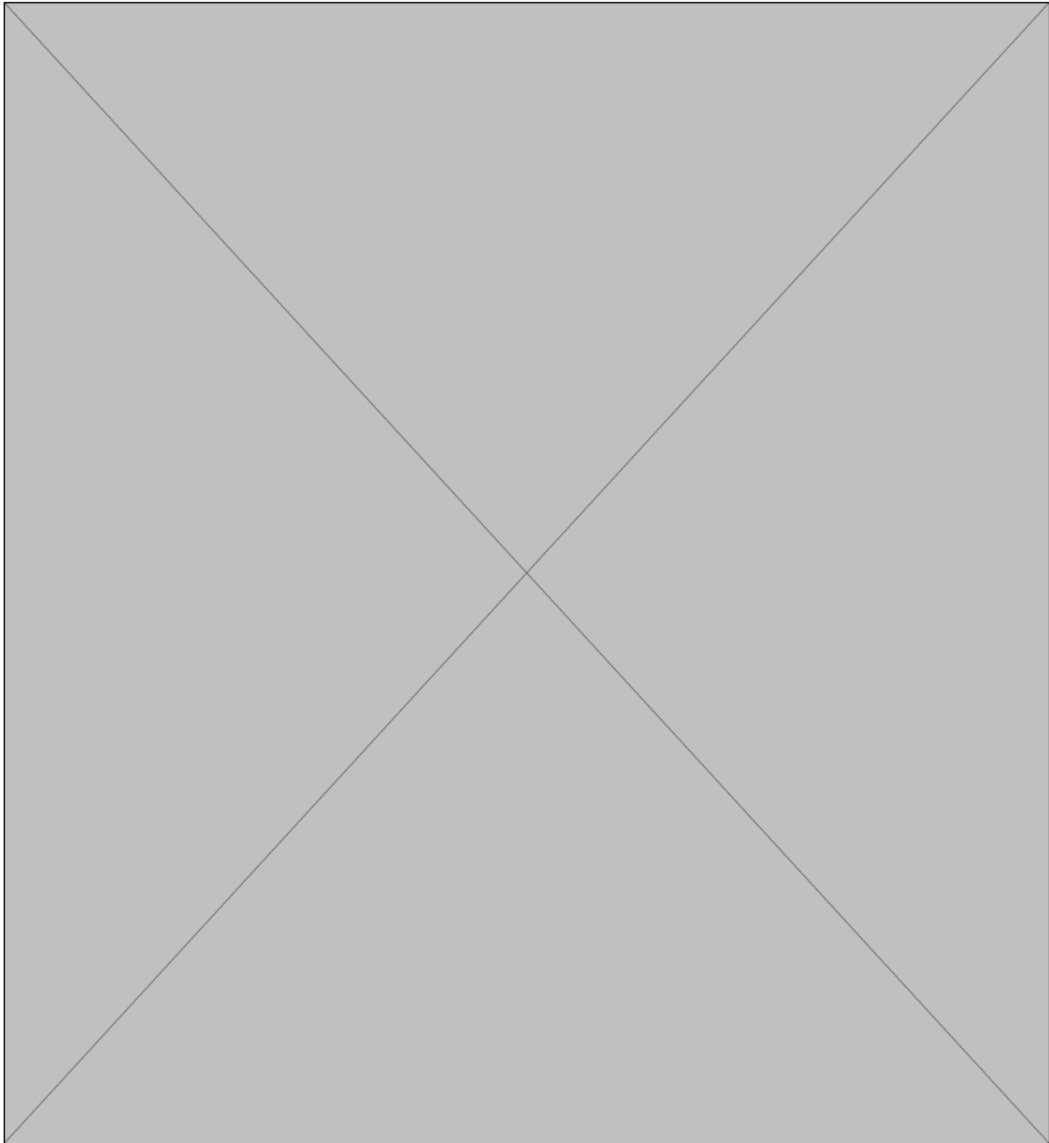
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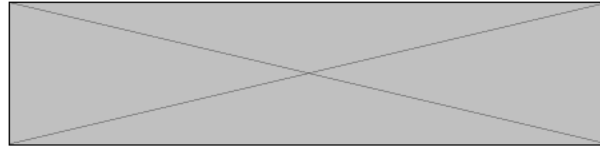
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*Letitia James cracks down on tech ... Judge allows congestion fee to proceed ... and more of today's tech news*

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FRIDAY, FEBRUARY 1, 2019

### **Letitia James cracks down on tech**

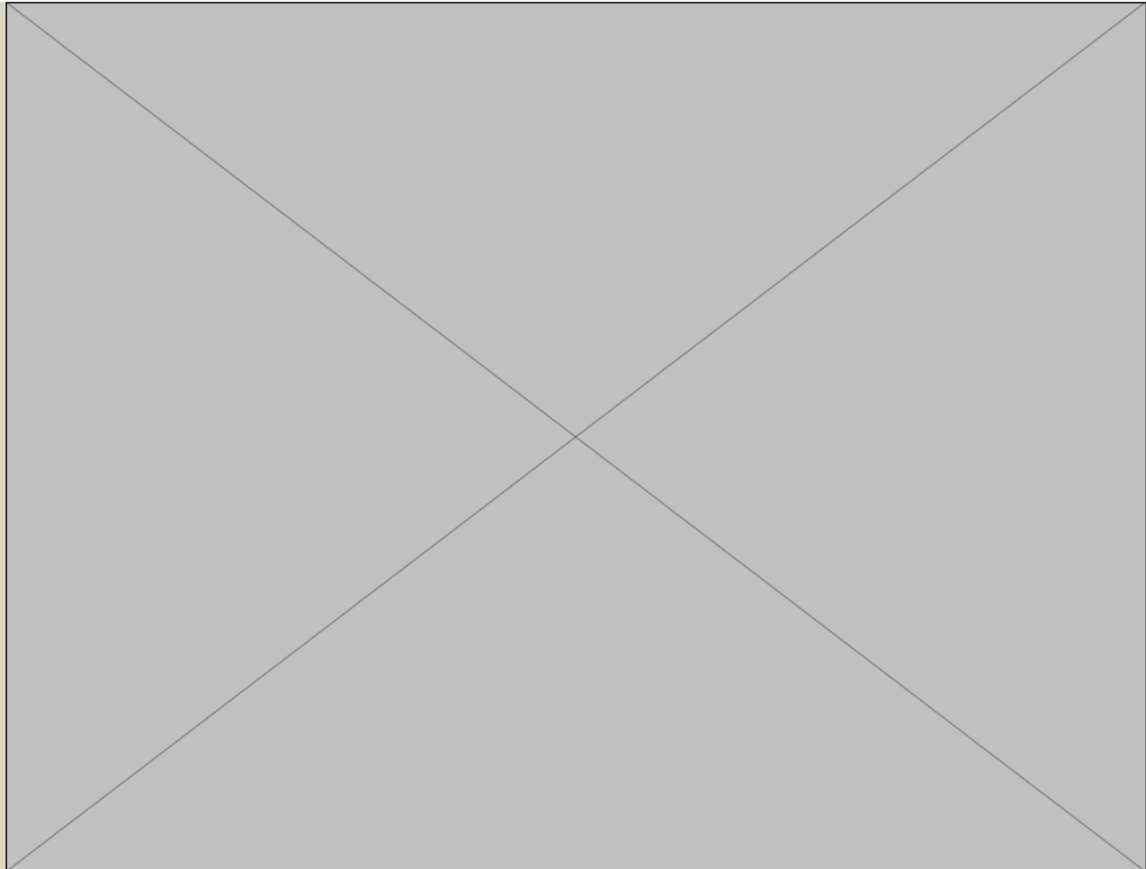
In her first month on the job, New York Attorney General Letitia James seems particularly focused on tech companies stepping out of line. Just this week, she [announced a settlement with Devumi, a firm that sold fake social media followers](#); and she [declared a joint probe between the attorney general's office and Gov. Andrew Cuomo's office](#) into Apple's recent FaceTime privacy glitch.

The moves suggest a desire to have New York take the lead on tech regulation, as neither of the issues was strictly confined to the state. James found Devumi's practices to violate New York laws against fraud and false advertising, while the FaceTime probe will focus on what both her office and the governor's office said was Apple's failure to warn consumers and the company's slow response to addressing the glitch.

"New Yorkers shouldn't have to choose between their private communications and their privacy rights," James said in a statement about the Apple probe. Both actions should serve as a warning for any misbehaving tech company – New York-based or not.

– [Annie McDonough](#)





*New York Attorney General Letitia James. SHUTTERSTOCK*

## THE LATEST

### **Judge allows congestion pricing to proceed**

An extra fee will be tacked on to any yellow taxi and other for-hire vehicle rides in busy areas of Manhattan, despite a lawsuit filed by taxi owners and drivers that temporarily blocked the fee after they said it would worsen the financial strains on their business caused by app-based ride-hail drivers. ([The New York Times](#))

### **Lyft, Juno to withhold pay bump for drivers**

New York City's Taxi and Limousine Commission will allow Lyft and Juno to temporarily hold drivers' additional pay from the new minimum wage standard until their lawsuit against the city moves forward. Uber, which was offered the same deal, will increase drivers' pay starting Friday. ([New York Daily News](#))

### **New York City to get more ride-hailing data**

If Uber, Lyft, Via, and Juno want to keep operating in the city, they'll have to provide the Taxi and Limousine Commission with even more finely detailed data than they do now, including the date, time, and location of pickups and drop-offs, the vehicle's license number, the trip mileage, and itemized trip fare. ([Wired](#))

### **New York insurers can evaluate social media use**

New York's Department of Financial Services will allow life insurance companies to use data from social media and other nontraditional sources when setting premium rates – though the insurers will have to prove the information doesn't unfairly discriminate against certain customers – making New York the first state to set specific guidance governing how life insurers use algorithms. ([The Wall Street](#)

### **Michael Bloomberg weighs data-centric presidential bid**

While the former New York City mayor weighs a presidential bid, his aides and advisors are planning a campaign strategy to collect data about voters on an unprecedented scale and then have a team of engineers do high-level analyses, looking for new ways to identify potential voters and new ways to appeal to them. (The Atlantic)

### **New York Building Congress launches tech conference**

The organization is set to launch Ascend 2019, a new innovation and technology conference bringing together thought leaders on the forefront of building innovation to discuss new and existing technologies that can reshape the industry. (Real Estate Weekly)

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### **House panel to hold net neutrality hearing**

A hearing will be held next week on the Federal Communications Commission's repeal of 2015 net neutrality rules, the first for the House Energy and Commerce Committee's panel on technology under its new Democratic leadership. (The Hill)

### **San Francisco could be first to ban facial recognition tech**

As facial recognition technology comes under more scrutiny for potential biases, Aaron Peskin, a member of San Francisco's Board of Supervisors, proposed a ban on the technology as part of a suite of rules to enhance surveillance oversight. (Wired)

### **Talk of "smart wall" excites tech companies**

Tech companies are increasingly bullish on building a "smart wall," which would incorporate new technologies to beef up security on the southern border, and which has support from some Democrats and from President Trump. (The Hill)

## **OPINION**

### **Apple stands up for privacy. Does it matter?**

The ongoing tension between Apple and Facebook flared again this week, causing a dramatic hubbub in the tech industry. But it may not amount to much change – not because it was unimportant, but because it's clear that despite persistent evidence that our privacy is being violated, it might not matter. (Kara Swisher, The New York



### **A.I. could worsen health disparities**

A.I. holds tremendous potential to improve medicine. It may well make care more efficient, more accurate, and – if properly deployed – more equitable. But realizing this promise requires being aware of the potential for bias and guarding against it. (Dhruv Khullar, [The New York Times](#))

## **ANALYSIS**

### **Lawmakers gird for “deepfake” war**

Deepfakes are digitally forged videos that can be virtually impossible to detect. Everyone agrees they are dangerous – but no one has figured out what to do about them. Now Congress and several states – including New York – are considering the first legislation against A.I.-altered video and audio, suggesting a coming barrage of such laws. ([Axios](#))

### **Apple’s empty grandstanding about privacy**

If Apple really cared about personal data, it could take any number of actions to keep privacy violators off its platforms and away from its customers. Until it does, it’s time to stop letting the company off the hook as somehow being more moral than Google or Facebook. ([The Atlantic](#))

## **PROFILES**

### **Techstars aims to promote startup growth in Buffalo**

Techstars, which supports the growth of startups around the world, has established ties to Buffalo, including the announcement of a partnership with 43North, the business plan competition. Their goal is to build on efforts underway to promote a stronger startup culture in the region. ([The Buffalo News](#))

## **MILESTONES**

**MOVING ON:** Deepak Ahuja is [departing](#) as Tesla’s chief financial officer ... **Robert Swan** has been named as Intel’s new permanent chief executive officer.

**HAPPY BIRTHDAY:** To **Julie Samuels**, executive director of Tech:NYC ... and, on Sunday, to **Dave Arnold**, global communications director for Tesla.

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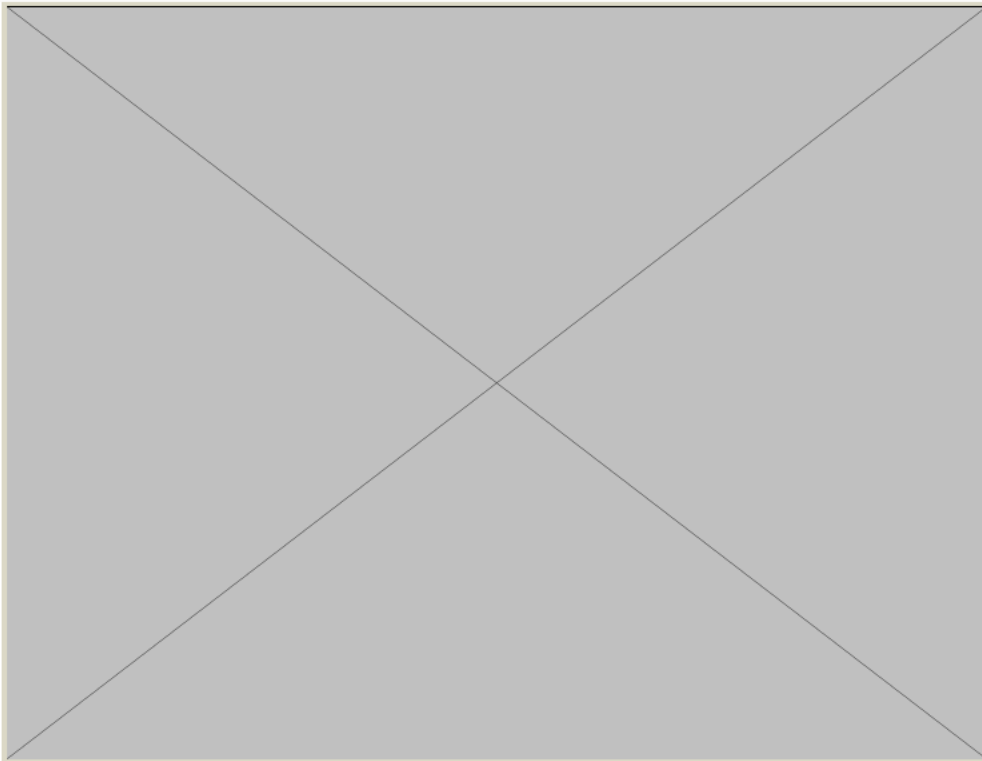
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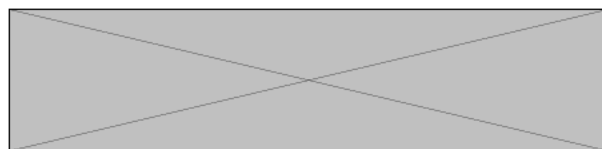
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*Amazon butts heads with City Council ... New York AG probes FaceTime flaw ... and more of today's tech news*

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THURSDAY, JANUARY 31, 2019


## **Amazon vs. City Council, Round Two**

Critics and skeptics of the deal that New York City and New York state cut to bring an Amazon HQ2 to Long Island City received answers to some of their questions about the process at a New York City Council hearing on Wednesday. But a number of questions left unanswered about the impact that HQ2 will have on its surroundings demonstrated that the company has a ways to go before widespread public acceptance.

To that end, Amazon representatives announced new initiatives intended to benefit the local community – especially its low-income residents – at Wednesday's hearing, including: a partnership with local colleges to create a path to employment in cloud computing; funding computer science classes at more than 130 New York City high schools; and employing New York City Housing Authority residents at a new 30-person customer service center.

For critics of the deal like Councilman Jimmy Van Bramer, those gestures weren't enough. "Crumbs off the table," Van Bramer – who represents Long Island City – called them before Wednesday's hearing. Deal proponents like James Patchett, president and chief executive officer of New York City Economic Development Corporation, answered questions from the City Council Committee on Finance but focused on extolling the deal's benefits – like an estimated \$27 billion in tax revenue over 25 years. "It's an incredible opportunity," Patchett said, "so we're not walking away from this. (It's) the biggest economic development jobs creator of our lifetimes." [Read more here.](#)

– *Annie McDonough*



*Protesters hold up signs at the second New York City Council hearing on Amazon's planned headquarters in Queens. JOHN MCCARTEN/NEW YORK CITY COUNCIL*

## THE LATEST

### **Amazon wants employees to join HQ2 fight**

Amazon sent a memo to all of its New York employees encouraging them to “come to the next hearing at City Hall to show your support of our new headquarters in Queens.” It’s the latest move in the company’s ongoing PR blitz, which includes mailing flyers to Queens residents and hiring some of the city’s most well-connected lobbyists. ([Fast Company](#))

### **New York probing FaceTime security flaw**

A joint probe by New York Attorney General Letitia James and Gov. Andrew Cuomo’s office will investigate the flaw that allowed users to listen in on people they contacted even before the person accepted or rejected the call, pointing to what they say was Apple’s failure to warn consumers about the bug. ([Crain’s New York Business](#))

### **New York AG settles with bot company**

New York Attorney General Letitia James announced a settlement with Devumi, a company that sold hundreds of millions of fake followers on Twitter and other social media platforms. James found the company’s practices to be in violation of New York laws against fraud and false advertising. ([The New York Times](#))

### **Judge: ride-hailing apps must pay minimum wage**

On Wednesday morning, Lyft and Juno sued New York City to block the implementation of new minimum pay rules for ride-hail drivers, saying that it would give an advantage to market leader Uber. Later that day, a Manhattan judge refused to halt the new rule that is set to take effect on Friday. ([Forbes](#))

### **Prisons across the U.S. quietly building voice print databases**

In New York and other states across the country, authorities are acquiring

technology to extract and digitize the voices of incarcerated people into unique biometric signatures, known as voice prints. Some programs, like New York's, even analyze the voices of call recipients outside prisons to track which outsiders speak to multiple prisoners regularly. ([The Appeal](#))

### **New York company gets Army anti-drone contract**

The U.S. Army awarded SRC Inc., of Cicero, a \$108 million contract to help it defeat enemy drones on the battlefield, in what amounts to one of the company's single largest orders for the technology. ([Government Technology](#))

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### **H-1B visa lottery changing to favor those with advanced degrees**

The Department of Homeland Security announced a rule change that will bolster the odds for highly educated foreign nationals to receive 85,000 H-1B visas granted to for-profit companies every year, as opposed to those with only bachelor's degrees. ([San Francisco Chronicle](#))

### **Apple pulls the plug on Facebook employees in data app conflict**

Apple cut off iPhone-using Facebook employees' access to their employer's internal apps Wednesday as fallout spread from yesterday's report of a cash-for-data "research" program by Facebook that broke Apple's rules, allowing Apple to brand itself as more privacy-oriented in the battle between the two companies. ([Axios](#))

### **Parkland embraces student surveillance**

Law enforcement is using real-time access to surveillance video at schools in Broward County, Florida after a report showed security failures at the school in Parkland, Florida, where 17 students and teachers were killed last year. School districts around the nation have updated their security since the shooting, including the facial recognition system being used in Lockport, New York. ([The Atlantic](#))

## **OPINION**

### **Facebook can't stop spying on its users**

Facebook's whole business model seems to revolve around spying, but what makes it worse is that the company has time and again proven itself cavalier about protecting data. It's time Mark Zuckerberg finds a new way to leech off his "community." ([New York Post](#))

### **The BuzzFeed layoffs as democratic emergency**



Digital media has always been a turbulent business, but last week's layoffs suggest a reason for panic. While some media outlets suggest partnering with Big Tech companies, Google and Facebook have no economic incentive for symbiosis. (Farhad Manjoo, [The New York Times](#))

## ANALYSIS

### **Lyft is no better than Uber**

There's a deep irony to Lyft and Juno moving to block the new driver pay standard in New York City. Both companies market themselves as driver-friendly, in implied contrast to Uber, but Lyft isn't looking so nice anymore. ([Quartz](#))

### **HQ2 was supposed to be a win, not a huge political battle**

How did leaders at the HQ2 New York City negotiation table let the public outrage about the deal happen? While Amazon may have anticipated the public backlash, shouldn't Mayor Bill de Blasio and Gov. Andrew Cuomo have known their constituents better? ([Recode](#))

## PROFILES

### **Collibra clinches \$100 million in round led by Alphabet fund**

New York-based software company Collibra, which has global clients in health care, finance, retail, and tech, just confirmed \$100 million in series E funding – at a post-money valuation of more than \$1 billion – led by an Alphabet Inc. fund. ([New York Business Journal](#))

## MILESTONES

**HAPPY BIRTHDAY:** To **Matthew Gottlieb**, director of analytics and insights at Whistle Sports.

## THIS WEEK'S EVENTS

Jan. 31 – [Rethinking CPG](#) Food+Tech Meetup (58 Kent St., Brooklyn)



Feb. 4 – **Maps That Move: Animating Spatial Data** (110 William St., Manhattan)

Feb. 4 – **Reverse Pitch Night** with Japan NYC Startups (303 Spring St., Manhattan)

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Feb. 6 – **Jet Tech Big Data Meetup** (221 River St., Hoboken, New Jersey)

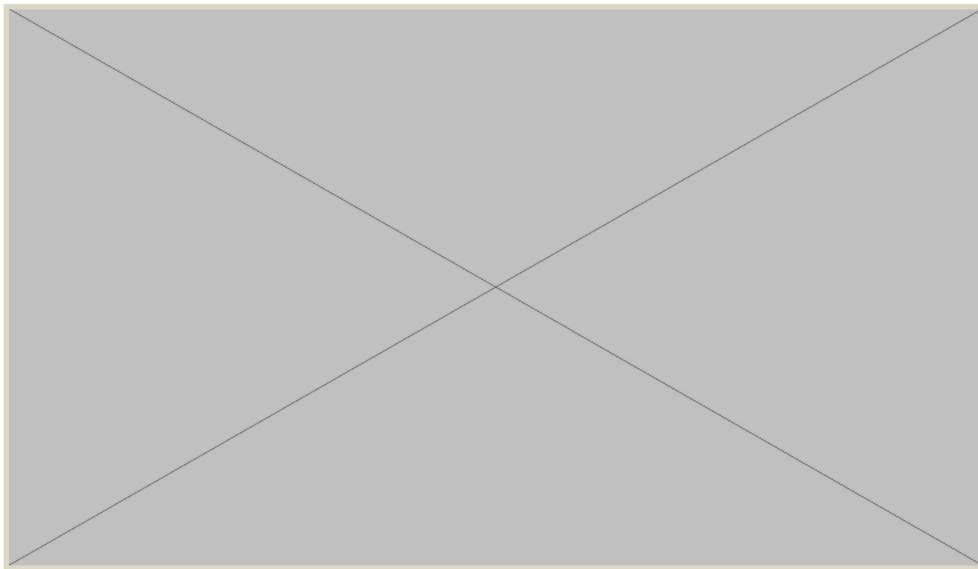
Feb. 6 – **February New York FinTech Meetup**: FinTechs Riding the Macro Wave (885 Third Ave., Manhattan)

Feb. 7 – **Intro to Artificial Intelligence Research**: the People, Money, and Companies Powering Global AI Innovation (71 W. 23rd St., Manhattan)

Feb. 7 – **Leading Cyber Ladies**: Hacking the Glass Ceiling (149 Fifth Ave., Manhattan)

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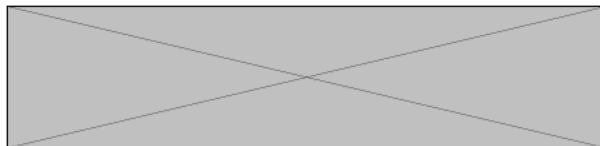
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*City Council preps for HQ2 Finance hearing ... Cuomo criticizes Amazon for bad PR ... and more of today's tech news*

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WEDNESDAY, JANUARY 30, 2019

### **City Council holds second Amazon hearing today**

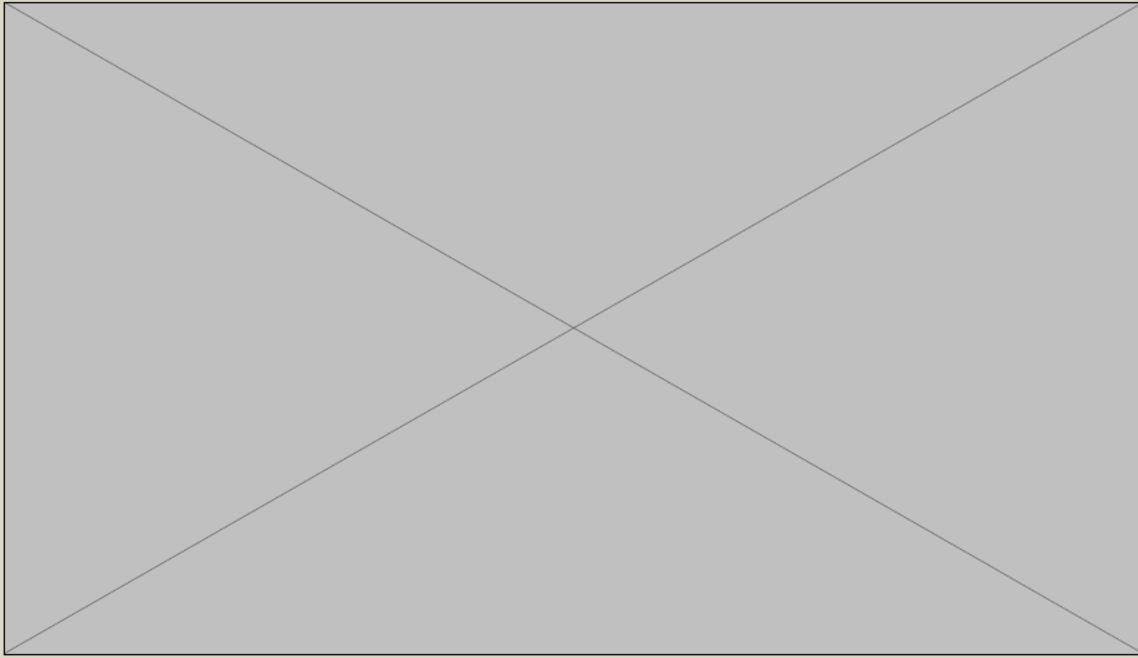
This morning, City Council will hold its second in a series of four planned hearings on the deal made by New York City and state to bring a new Amazon headquarters to Long Island City, Queens. During a City Council hearing in December, lawmakers questioned representatives from the company and from New York City Economic Development Corporation for a contentious three hours on the terms of the agreement made between New York and Amazon, **including concerns about the deal bypassing the city's Uniform Land Use Review Process.**

Today's hearing is before the City Council Committee on Finance, which includes Councilman Jimmy Van Bramer, a vocal critic of HQ2 who represents Long Island City. Discussion is likely to focus on the tax incentives and capital grants the city and state have offered to Amazon – worth nearly \$3 billion – as well as the potential adverse impacts of the new headquarters, including strains on infrastructure and affordable housing. “The mayor and the governor caved to the richest man on Earth, and then handed the bill to each and every New Yorker,” **Van Bramer said during the December hearing.**

While the \$3 billion deal will be a focus of the hearing, other concerns will be raised. Ahead of the hearing, the Retail, Wholesale and Department Store Union is joining the International Brotherhood of Teamsters to rally against the **poor working conditions that have been reported** in Amazon facilities. Councilman Van Bramer is set to attend alongside the union groups on the steps of City Hall.

Stuart Appelbaum, president of the RWDSU, said he wants Amazon to come to the table with workers and unions. “We are hopeful that Amazon understands that the way they may operate everywhere else is not acceptable in New York City,” Appelbaum told City & State. “If they want to operate in New York, they need to change their behavior, not try to change New York's values.”

– **Annie McDonough**



*New York City Councilman Jimmy Van Bramer.* NEW YORK CITY COUNCIL

## THE LATEST

### **Cuomo: Amazon failing to sell Long Island City HQ2**

Gov. Andrew Cuomo on Tuesday accused Amazon of not doing enough to win public support for its Long Island City project, saying on WNYC that the opponents of the deal are more motivated in getting their message out. ([New York Daily News](#))

### **Amazon's new strategy to sway HQ2 skeptics**

At today's City Council hearing, Amazon is expected to offer a new strategy to boost its image with soon-to-be neighbors in Queens, including initiatives to hire public housing residents to work at a new 30-person customer service center and establish a certificate program at LaGuardia Community College to help students gain entry-level technology jobs. ([The New York Times](#))

### **Amazon to fund high school computer science classes**

As Amazon continues to endure a rough welcome in Long Island City, the company has announced plans to fund computer science classes in more than 130 New York City area high schools, including in more than 30 schools near its new HQ2 site in Queens. ([TechCrunch](#))

### **Brindisi brings Charter battle to federal level**

With the deadline for Charter Communications to file its plan to exit New York State nearing, Rep. Anthony Brindisi has asked Federal Communications Commission Chairman Ajit Pai to hold the company accountable to make sure upstate New Yorkers have access to affordable high-speed broadband. ([Utica Observer-Dispatch](#))

### **Nadler to hold joint hearing on T-Mobile-Sprint merger**

Rep. Jerrold Nadler, chair of the House Judiciary Committee, will hold a joint hearing with the Energy and Commerce Committee to examine what effects T-Mobile-Sprint

merger – which would combine two of the four major wireless carriers in the U.S. – on jobs, innovation, and competition of the that. ([The Hill](#))

### **Hoylman calls on Google to remove conversion therapy app**

After passing his bill to ban gay conversion therapy, state Sen. Brad Hoylman is calling on Google to remove an app from Google's Play Store from a religious liberty group that appears to tell gay readers that their sexuality can be changed. Hoylman represents the district where Google's New York City headquarters resides. ([The Verge](#))

### **Waze expands in New York City**

Drivers in New York City will soon be able to use Waze – and other navigation apps – in places like tunnels or bridges where it's common to lose a GPS signal, thanks to a partnership between Waze and the Port Authority of New York and New Jersey to install Bluetooth beacons on bridges and tunnels. ([TechCrunch](#))

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### **Judge rejects Yahoo data breach settlement**

A federal judge in San Jose, California, has rejected a proposed settlement that would end to the lawsuit over Yahoo's 2016 disclosure that it had been hit by nation-state hackers that exposed hundreds of millions of accounts. The judge said Yahoo hasn't been sufficiently transparent or committed to specific budget increases for data security. ([Ars Technica](#))

### **Court ruling on biometrics poses risk to Google, Facebook**

The Supreme Court of Illinois ruled that Six Flags Great America must pay damages to a boy for collecting his thumbprint without proper consent, opening the possibility of huge payouts in cases against technology companies whose face-scanning policies breach a state law known as the Biometric Information Privacy Act – which Google and Facebook have both been sued for. ([Fortune](#))

### **Facebook research app could violate Apple policy**

Facebook has been secretly paying people to install a "Facebook Research" VPN that lets the company suck in all of a user's phone and web activity in a move that may violate Apple policy, in some cases using apps that targeted teens for a "paid social media research study." ([TechCrunch](#))

**OPINION**

### **Bring in the technologists for better policy**

Technology and policy are interconnected and can benefit one another, but we make policy today much the same way we did a century ago: in small groups, without nearly enough connection to the people who are affected, or the up-to-date tools required to measure results. (Cecilia Muñoz and Nathan Ohle, [The Hill](#))

### **Zuckerberg's consumer consent delusion**

In [a recent Wall Street Journal commentary](#), Mark Zuckerberg claimed that Facebook users want to see ads tailored to their interests. But the data show the opposite is true. If Facebook's users in the United States are similar to most Americans, large majorities don't want personalized ads. (Joseph Turow and Chris Jay Hoofnagle, [The New York Times](#))

## **ANALYSIS**

### **New York among cities expanding use of data storytelling**

Recently, data analytics experts have begun to preach the value of data storytelling. New York's LinkNYC kiosks are one example of where and how residents can easily view city data whether they have a technical background or not. ([Government Technology](#))

### **Rethinking health data privacy laws**

The Health Insurance Portability and Accountability Act (HIPAA) plays an important role in protecting patients from discrimination or breach of privacy over personal health information, but health data also holds promising value to research, raising the question of how to strike a balance between privacy and data sharing. ([The Verge](#))

## **PROFILES**

### **Startup gets funding bump from Peter Thiel**

Petal, a New York-based startup known for providing credit cards to young people and others who lack a credit history, has secured another \$30 million in venture funding with the help of current investor Peter Thiel, who ran the funding round. ([New York Business Journal](#))

## **MILESTONES**



Foundation **Nate Cardozo** is joining WhatsApp as privacy policy manager.

**HAPPY BIRTHDAY:** To **Chris Ariens**, TV and media editor for AdWeek.

## THIS WEEK'S EVENTS

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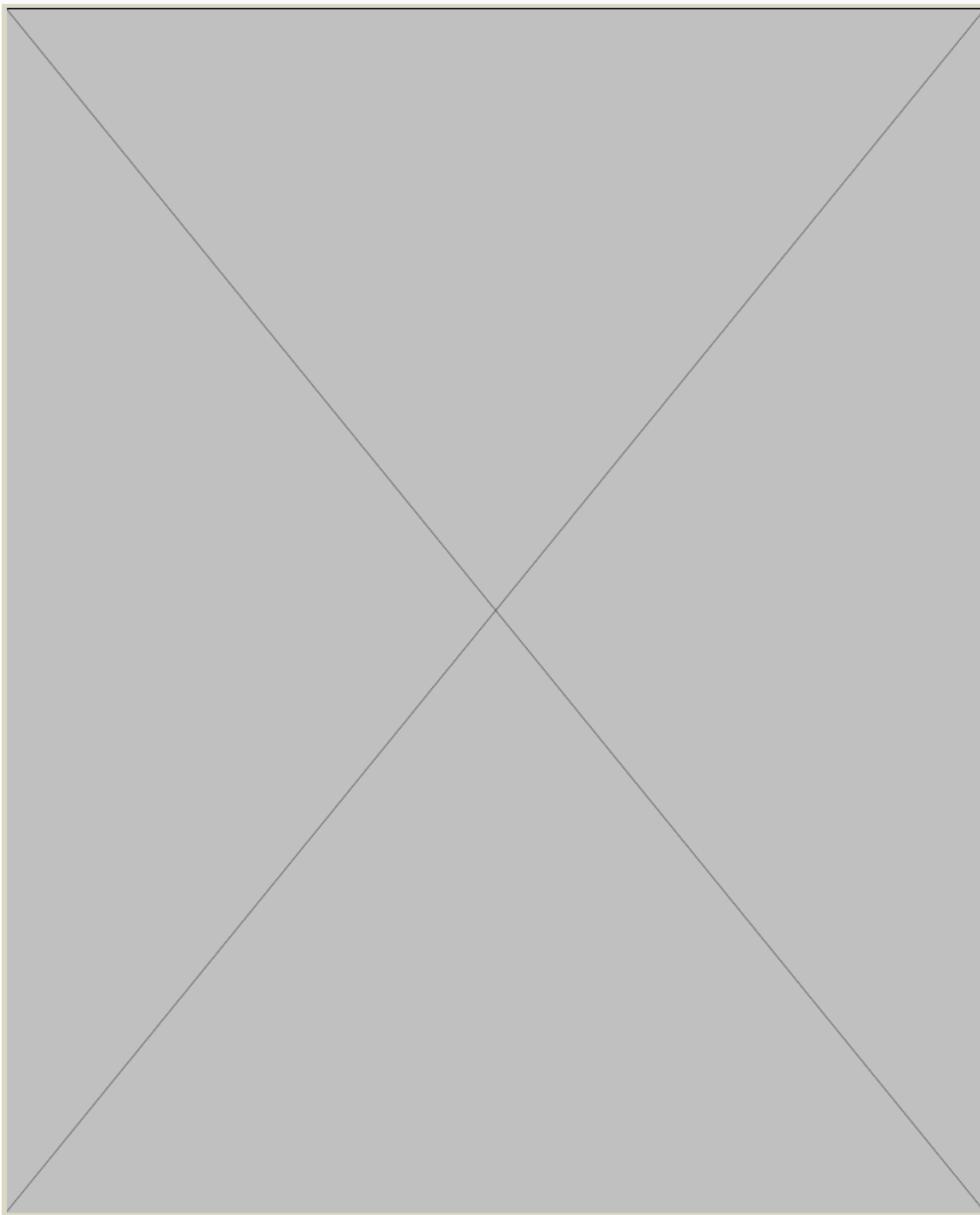
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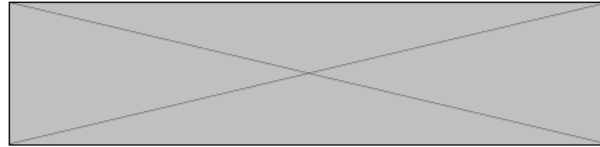
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Study backs up Ocasio-Cortez on algorithm bias ... Long Island feels tech talent shortage ...  
and more of today's tech news

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MONDAY, JANUARY 28, 2019


### MIT study backs AOC on algorithm bias

Days after [U.S. Rep. Alexandria Ocasio-Cortez elicited a minor uproar](#) over her claim that human bias is baked into facial recognition algorithms, [a new study from MIT Media Lab](#) found that Amazon's facial recognition technology was prone to errors in determining the gender of female faces and darker-skinned faces. Ocasio-Cortez's comments and the release of the study suggest that there's a lot more to be learned about facial recognition technology before its use becomes widespread.

These findings [are only the latest](#) to suggest that artificial intelligence and machine learning are subject to the same biases that humans are. The MIT study found deficiencies in Amazon's Rekognition technology, but [similar gender and race biases have been found in studies of programs](#) built by Microsoft and IBM.

Ocasio-Cortez criticized the technology not just because of the existence of bias but because of the implications in relation to its likely marriage to law enforcement. The [New York Police Department has collaborated with IBM](#) on video analytics software, while [Amazon has pitched its Rekognition program](#) to agencies including Immigration and Customs Enforcement. The U.S. Department of Commerce's National Institute of Standards and Technology has been tasked with vetting this technology for accuracy, but because participation is optional, [developers – including Google and Amazon – have not had their systems vetted](#). Facial recognition technology packs a big promise, but its developers will likely face continued calls for regulation and evaluation as the tech starts to creep into law enforcement.

– [Annie McDonough](#)



SHUTTERSTOCK

## THE LATEST

### **Amazon in the Bronx**

The company leased a 120,000-square-foot warehouse facility in Hunts Point and plans to develop a last-mile delivery station, marking its first delivery station in the Bronx. ([Bronx Times](#))

### **Talent shortage squeezing Long Island businesses**

Hundreds of tech jobs are going unfilled on Long Island as industries from health care to retail increasingly use computer science in their operations – experts say the talent crunch will likely worsen after giants like Amazon and Google expand their workforces in Queens and Manhattan. ([Newsday](#))

### **De Blasio endorses new L train plan**

Mayor Bill de Blasio announced Friday that he agreed with Gov. Andrew Cuomo's plan incorporating new technologies and techniques to avert a shutdown on the subway line linking Williamsburg to the East Village. ([Crain's New York Business](#))

### **AOC calls Big Tech “monopoly trend” unsustainable**

Following a series of layoffs at digital news outlets including BuzzFeed and HuffPost, Rep. Ocasio-Cortez said that Silicon Valley companies have too much power and that “the current monopoly trend is societally and economically unsustainable.” ([CNN](#))

### **Election app spreads beyond New York**

Reach, the canvassing app created and adopted to great success during Rep. Ocasio-Cortez's campaign last year, is now being used across the country by Democrat candidates. ([GeekWire](#))

City & State is celebrating the tech community by presenting our Tech Power 50 list. Join us on February 13th at The Mezz for a gathering of top brass from government relations, advocacy, business and beyond for a networking opportunity you do not want to miss. Be the first to know who made the cut and where they are ranked by attending in person and receive a copy of the Tech Power 50 special issue of City & State magazine. [Click here](#) for more info.

#### **Lawmakers concerned by Facebook merger**

Mark Zuckerberg is pushing his company to merge the backend of Facebook Messenger, WhatsApp, and Instagram, allowing users of one app to message users of another. Congress members like Ro Khanna and Ron Wyden have suggested the move could be another reason to increase scrutiny of tech companies over antitrust and privacy issues. ([Business Insider](#))

#### **Pentagon probes Amazon Defense Department hire**

The Department of Defense is looking into whether Amazon improperly hired former DOD worker Deap Ubhi, who was involved with a \$10 billion government contract for which the tech company is competing. ([CNN](#))

#### **Tinder settles age discrimination class action suit**

Tinder settled a class action lawsuit – one of three it's currently involved in – for \$17.3 million over charging users 30 and older double the standard fee for one of its subscription services, promising class members a combined \$11.5 million in compensation. ([The Verge](#))

#### **Older, right-leaning Twitter users spread the most fake news**

A new study of the 2016 presidential election found that people who shared fake news on social media were more likely to be older and more conservative. ([The Washington Post](#))

### **OPINION**

#### **Mark Zuckerberg, let me fix that op-ed you wrote**

In a piece for The Wall Street Journal timed to the social networking giant's 15th anniversary, Facebook's once-young, now-not-so-young chief executive and founder tried and tried to persuade readers that they shouldn't be afraid of what he has wrought. (Kara Swisher, [The New York Times](#))

### **ANALYSIS**

## **New York is still trying to figure out how to deal with e-bikes and scooters**

The New York City Council last week debated legalizing throttle-controlled e-bikes and scooters, echoing debates in other cities that have tried to find the balance between those who viewed the devices as a nuisance or a safety threat and those who quickly became fans of the devices' fun and convenience. ([The Washington Post](#))

## **Spy satellites may give edge from above**

High-altitude surveillance, once the domain of global superpowers, is the focus of a growing number of startups aiming to sell insights gleaned from cameras and other sensors installed on small and inexpensive "cube satellites." ([The New York Times](#))

# **PROFILES**

## **M&T Bank wants to draw IT professionals to Buffalo**

Since being hired as M&T Bank's chief information officer last year, Michael Wisler has worked to make the bank – and the Buffalo area – a draw for information technology professionals as the company hunts for downtown office space where it can bring together technology workers from across the region. ([The Buffalo News](#))

# **MILESTONES**

**MOVING ON:** Former senior security architect for Symantec **Adriana Babino** is joining state Sen. Diane Savino's Internet and Technology Committee as a senior advisor.

**HAPPY BIRTHDAY:** To **Maria Comella**, global head of regional public affairs at WeWork.

# **THIS WEEK'S EVENTS**

Jan. 28 – **Future of Food** w/ Tech Bites podcast (902 Broadway, Manhattan)

Jan. 29 **The 14th Annual State of the Net** policy conference (555 Pennsylvania Ave., Washington, D.C.)

Jan. 29 – **The NYC Tech Bubble Burst** fireside chat with Ana Arino of NYCEDC (205 Hudson St., Manhattan)

Jan 29 – **AI For AI: The Next Automation Revolution** with Ruchir Puri (114 Fifth  
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Ave., Manhattan)

Jan. 30 – **Mediamaker Meetup: Mobile Journalism** with Michael Rosenblum (537 W. 59th St., Manhattan)

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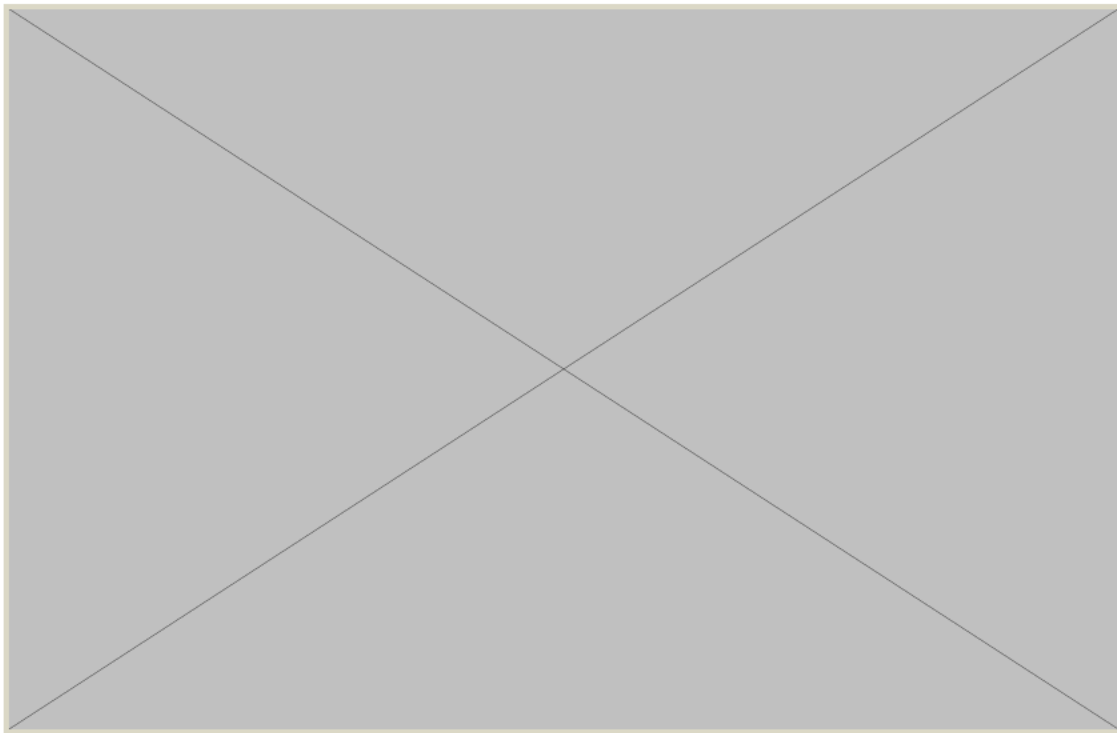
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**End Time:** Tue 10/16/2018 12:00:00 PM (UTC-05:00)  
**Required Attendees:** AG Schedule; Sabel, Janet; Sheth, Manisha; Berger, Kim; Buffier, Beau; Mahanna, Brian; Underwood, Barbara; Kennedy, Siobhan; Hoffmann, Elinor; Russell, Clark

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## **ATTORNEY GENERAL**

### **Google/Youtube**

[NYT: Google Is Fined \\$170 Million for Violating Children's Privacy on YouTube](#)  
[CNN: Google and FTC reach \\$170 million settlement over alleged YouTube violations of kids' privacy](#)  
[CBS News: Google to pay \\$170 million for violating kids' privacy on YouTube](#)  
[amNY: NY to receive \\$34M as Google is fined over YouTube child privacy concerns](#)  
[Rochester Democrat and Chronicle: Google, YouTube to pay record fine over privacy protections for kids](#)  
[CBS NY: Google, YouTube Fined \\$170 Million For Violating Children's Privacy](#)  
[Rollcall: Google agrees to record fine for violating children's privacy](#)  
[Reuters: Google's YouTube to pay \\$170 million penalty for collecting data on kids](#)  
[NY Post: Google fined \\$170M for YouTube's violation of child privacy laws](#)  
[Patch: New York Gets \\$34M From YouTube Privacy Settlement](#)  
[Post Journal: YouTube, Google To Pay \\$170M For Collecting Children's Personal Data Without Parents' Consent](#)  
[Digital Trends: YouTube slapped with \\$170 million fine for violating children's online privacy](#)  
[NY Daily News: Google, YouTube hit with record-setting \\$170 million fine for collecting personal information on users under the age of 13](#)  
[CBS 880: YouTube To Pay \\$170M Fine After Violating Kids' Privacy Law](#)  
[Law.com: FTC Official Urges State Attorneys General to Sue Google Over Kids' Privacy Violations](#)  
[Law.com: Google, YouTube to Pay \\$170M in Child Privacy Settlement](#)  
[Deadline: YouTube Agrees To Pay \\$170M Fine For Children's Privacy Violations; FTC Says Settlement "Game Changing" For Online Platforms – Update](#)  
[Fox News: YouTube to pay massive \\$170M fine as it settles claims it violated children's privacy laws](#)

### **Queens Cemetery Lawsuit**

[Crain's New York Business: AG suing executives accused of plundering Queens Cemetery](#)  
[QNS: Trump clan final resting place is a mismanaged mess, State AG alleges](#)  
[Ridgewood Post: Board Members of Non-Profit Cemetery Embezzled Thousands of Dollars](#)

### **Hurricane Dorian Charity**

[NBC/CBS Utica: BEWARE SCAMMERS LOOKING TO PROFIT FROM HURRICANE DORIAN RELIEF](#)

### **Sprint/T-Mobile**

[International Business Times: Illinois Jumps On Bandwagon To Block T-Mobile And Sprint's Merger](#)

## **NATIONAL**

[NY Times: Judge Rules Terrorism Watchlist Violates Constitutional Rights](#)  
[NY Times: Gregory Craig Acquitted on Charge of Lying to Justice Department](#)

## **STATE**

[Albany Times Union: New York bill would ban 24-hour workdays for home health aides](#)  
[Albany Times Union: Push to change state law hindering rape prosecutions](#)  
[Associated Press: Inmates suing NY prison system for taking pain pills away](#)

## **LOCAL**

[NY Daily News: Critics hit city proposal to overhaul Gifted and Talented program as de Blasio promises review](#)  
[NY Post: New school year opens with controversies and questions](#)

## ATTORNEY GENERAL

### Google/Youtube

NYT: Google Is Fined \$170 Million for Violating Children's Privacy on YouTube

By [Natasha Singer](#) and [Kate Conger](#)

• Sept. 4, 2019 Updated 7:01 p.m. ET

Google agreed on Wednesday to pay a record \$170 million fine and make changes to protect children's privacy on YouTube, as regulators said the video site had knowingly and illegally harvested personal information from children and used it to profit by targeting them with ads.

Critics denounced the agreement, dismissing the fine as paltry and the required changes as inadequate for protecting children's privacy.

The penalty and changes were part of a [settlement with the Federal Trade Commission](#) and [New York's attorney general](#), which had accused YouTube of violating the federal Children's Online Privacy Protection Act, or COPPA.

Regulators said that YouTube, which is owned by Google, had illegally gathered children's data — including identification codes used to track web browsing over time — without their parents' consent.

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The site also marketed itself to advertisers as a top destination for young children, even as it told some advertising firms that they did not have to comply with the children's privacy law because YouTube did not have viewers under 13. YouTube then made millions of dollars by using the information harvested from children to target them with ads, regulators said.

To settle the charges, YouTube agreed to the \$170 million penalty, with \$136 million going to the trade commission and \$34 million to New York State. It is the largest civil penalty ever obtained by the commission in a children's privacy case, dwarfing the previous record fine of [\\$5.7 million](#) against the owner of the social video-sharing app TikTok this year.

Under the settlement, which the F.T.C. approved in a 3-to-2 vote, YouTube also agreed to create a system that asks video channel owners to identify the children's content they post so that targeted ads are not placed in such videos. YouTube must also obtain consent from parents before collecting or sharing personal details like a child's name or photos, regulators said.

The move is the latest enforcement action taken by regulators in the United States against technology companies for violating users' privacy, indicating the Trump administration's willingness to aggressively pursue the powerful corporations. It follows a [\\$5 billion privacy settlement](#) between the trade commission and Facebook in July over how the company collected and handled user data.

#### Editors' Picks

But critics of the settlement, including Senator Edward J. Markey, Democrat of Massachusetts, described the \$170 million penalty as a slap on the wrist for one of the world's richest companies.

#### Image

Susan Wojcicki, YouTube's chief executive, said in a blog post on Wednesday that "nothing is more important than protecting kids and their privacy." Credit Peter Prato for The New York Times

"The F.T.C. let Google off the hook with a drop-in-the-bucket fine and a set of new requirements that fall well short of what is needed to turn YouTube into a safe and healthy place for kids," Mr. Markey said in a statement.

Children's advocates who lodged their own [privacy complaint against YouTube](#) with the F.T.C. last year said that Google had simply agreed to abide by a children's privacy law it was already obligated to comply with. COPPA prohibits operators of online services from collecting personal data, like home addresses, from children under 13 without a parent's verifiable permission.

"Merely requiring Google to follow the law, that's a meaningless sanction," said Jeffrey Chester, the executive director of the [Center for Digital Democracy](#), a nonprofit group whose efforts in the 1990s helped lead to the passage of the children's privacy law. "It's the equivalent of a cop pulling somebody over for speeding at 110 miles an hour, and they get off with a warning."

The agreement split the trade commission along partisan lines, with the agency's three Republican commissioners voting to approve it and the two Democratic commissioners dissenting.

In a statement, two of the Republican commissioners, Joseph J. Simons, the agency's chairman, and Christine S. Wilson, said that the settlement "achieves a significant victory for the millions of parents whose children watch child-directed content on YouTube."

They said it was the first time a platform would have to ask its content producers to identify themselves as creators of children's

material.

The agreement, they added, “sends a strong message to children’s content providers and to platforms about their obligation to comply with the COPPA rule.”

Although the settlement prohibits YouTube and Google from using or sharing children’s data they have already obtained, Rohit Chopra, a Democratic commissioner, said that it did not hold company executives personally accountable for illegal mining of children’s data. The other Democratic commissioner, Rebecca Kelly Slaughter, said that the agreement did not go far enough by requiring YouTube itself to proactively identify children’s videos on its platform.

“No individual accountability, insufficient remedies to address the company’s financial incentives and a fine that still allows the company to profit from its lawbreaking,” Mr. Chopra wrote in his dissent. “The terms of the settlement were not even significant enough to make Google issue a warning to its investors.”

COPPA, the strongest federal consumer privacy statute in the United States, gives the trade commission the authority to level fines of up to \$42,530 for each violation.

Noah Phillips, a Republican member of the commission, argued that Congress should give the agency more guidance about how to levy fines.

In a blog post on Wednesday about the settlement, [YouTube’s chief executive](#), Susan Wojcicki, said that “nothing is more important than protecting kids and their privacy.” She added, “From its earliest days, YouTube has been a site for people over 13, but with a boom in family content and the rise of shared devices, the likelihood of children watching without supervision has increased.”

Image

YouTube said it planned to promote YouTube Kids, its child-focused app, to shift parents away from letting their children use the main YouTube app for watching videos. Credit Andrew Harrer/Bloomberg

YouTube said that not only had it agreed to stop placing targeted ads on children’s videos, it would also stop gathering personal data about anyone who watched such videos, even if the company believed that the viewer was an adult. The company also said it would eliminate features on children’s videos, like comments and notifications, that involved the use of personal data.

In addition to relying on reports from video creators, Ms. Wojcicki said that YouTube planned to use artificial intelligence to try to identify content that targeted young audiences, like videos featuring children’s toys, games or characters.

Under the settlement, YouTube must adopt the changes by early next year.

The privacy case against YouTube began in 2016 after the New York attorney general’s office, which has been [active in enforcing the federal children’s privacy law](#) in the state, notified the trade commission about apparent violations of the law on the site.

“Google and YouTube knowingly and illegally monitored, tracked and served targeted ads to young children just to keep advertising dollars rolling in,” Letitia James, New York’s attorney general, said in a statement on Wednesday. “These companies put children at risk and abused their power.”

Google has been forced to deal with privacy violations repeatedly in recent years. The company is subject to a [20-year federal consent order signed in 2011](#) for deceptive data-mining related to Buzz, a now-defunct social network. The order required Google to establish a comprehensive privacy program and prohibited it from misrepresenting how it handles personal data.

In 2012, Google [agreed to pay \\$22.5 million](#) to settle trade commission charges that it had violated the 2011 order by deceiving users of Apple’s Safari browser about its data-mining practices.

The company is also the subject of a lawsuit brought by Hector Balderas, New Mexico’s attorney general, over accusations that it violated children’s privacy. The suit says the company failed to ensure that children’s apps available through its Google Play store complied with the children’s privacy law. Google has asked that the case be dismissed.

The settlement on Wednesday is likely to have implications beyond YouTube. The changes required under the agreement could limit how much video makers earn on the platform because while they still make money on some kinds of ads on children’s videos, they no longer be able to profit from ads targeted at children.

To offset some of the expected losses, YouTube said it would funnel \$100 million to creators of children’s content over the next three years. It said it would also heavily promote YouTube Kids, its child-focused app, to shift parents away from using the main YouTube app when allowing their children to watch videos.

The crackdown on creators of children’s content could make it financially difficult to produce such videos, said Maureen Ohlhausen, a former acting chairwoman of the trade commission.

“There is a lot of free content available for children,” she said. “You want to be sure that you don’t kill the goose that lays the golden egg.”

<https://www.nytimes.com/2019/09/04/technology/google-youtube-fine-ftc.html>

CNN: Google and FTC reach \$170 million settlement over alleged YouTube violations of kids' privacy

Updated 12:13 PM ET, Wed September 4, 2019

Washington (CNN Business) - Google has agreed to pay a record \$170 million penalty to settle accusations that YouTube broke the law when it knowingly tracked and sold ads targeted to children, the Federal Trade Commission and the state of New York said Wednesday.

The settlement involves the largest-ever penalty under the Children's Online Privacy Protection Act, which YouTube allegedly violated by collecting user information from kids to fuel its behavioral advertising business. And it could affect the strategies of all

creators of children's videos on YouTube, including large companies such as Mattel and Hasbro, according to federal officials. The announcement marks the second time in two months that the FTC has slapped a big tech company with a major fine, after the commission announced a \$5 billion settlement with Facebook and its privacy lapses in July. And it highlights the enormous power of digital advertising and personal data, the combination of which have made Google and Facebook two of the most dominant players in the marketing economy. Google's \$170 million payment reflects less than 1 percent of the company's quarterly advertising revenue.

"We know how important it is to provide children, families and family creators the best experience possible on YouTube and we are committed to getting it right," Google said in a blog post about the settlement.

Google also said in its blog post that it will use machine learning algorithms to proactively identify children's content on the platform and that beginning in four months, data collected from all children's content will be treated as though it were coming from a child viewer.

"This means that we will limit data collection and use on videos made for kids only to what is needed to support the operation of the service," Google said. "We will also stop serving personalized ads on this content entirely, and some features will no longer be available on this type of content, like comments and notifications."

Some critics, including a number of FTC commissioners, are saying the settlement with YouTube doesn't go far enough.

Under the FTC settlement, which also involves the office of New York Attorney General Letitia James, Google will pay \$136 million to the federal government and \$34 million to the state of New York. YouTube will also be forced to require makers of children's videos to declare whether their content is aimed at kids, a signal YouTube will use to suspend targeted advertising toward children. "This obligation exceeds what any third party in the marketplace currently is required to do," said FTC Chairman Joseph Simons and Commissioner Christine Wilson in a joint statement. "It represents the first and only mandated requirement on a platform or third party to seek actual knowledge of whether content is child-directed."

For years, privacy advocates have complained that YouTube inappropriately targets children with advertising on its platform. The FTC, in its complaint, alleged that Google knew children were watching YouTube because it promised Mattel that it could help the company reach children as young as 6 years old on the platform.

In other examples, the FTC said, Google clearly knew it could face obligations in some circumstances under the children's privacy law, also known as COPPA, because it told one advertiser that no child under the age of 13 watched YouTube and so its content didn't need to comply with COPPA.

"Google and YouTube knowingly and illegally monitored, tracked, and served targeted ads to young children just to keep advertising dollars rolling in," said New York Attorney General Letitia James in a statement. "These companies put children at risk and abused their power, which is why we are imposing major reforms to their practices and making them pay one of the largest settlements for a privacy matter in U.S. history."

Wednesday's settlement, which must still be approved by a judge, marks a milestone for the roughly 20-year-old law, which prevents companies from using or sharing the personal data of kids under 13 without the consent of a parent.

FTC Commissioner Rebecca Slaughter said the settlement will likely encourage large businesses to make sure they comply with YouTube's new system for identifying children's videos.

"They will accurately predict that their risk of COPPA liability for deceitfully designating their content is high," Slaughter wrote in a statement.

But Slaughter added that the settlement doesn't contain a mechanism to ensure YouTube actually enforces its new rules for content creators, saying it amounts to a voluntary self-certification that could be easily gamed.

"The order does not require YouTube to police the channels that deceive by mis-designating their content, such as by requiring YouTube to put in place a technological backstop to identify undesignated child-directed content and turn off behavioral advertising," she said.

Slaughter was one of two FTC commissioners to vote against the settlement. The other, FTC Commissioner Rohit Chopra, said the agency failed to hold company executives personally accountable for the COPPA violation, and slapped Google with a fine that "still allows the company to profit from its lawbreaking."

The FTC voted 3-2 to approve the settlement, with both of the agency's Democrats dissenting.

Wednesday's announcement "repeats many of the same mistakes from the flawed Facebook settlement," Chopra added, which he also voted against, believing it was too weak.

In response, Simons and Wilson said the agency had to balance whether the settlement was a better deal than what the FTC could have gotten by taking Google to court, an uncertain venture.

"We choose not to gamble the protection of children now in hopes of hitting a jackpot in the future," they wrote.

Consumer groups said they were pleased the FTC was working to hold YouTube to account, but worried that the penalties were insufficient.

"A paltry financial penalty of \$170 million — from a company that earned nearly \$137 billion in 2018 alone — sends a signal that if you are a politically powerful corporation, you do not have to fear any serious financial consequences when you break the law," said Jeff Chester, executive director of the Center for Digital Democracy, one of nearly two dozen groups who filed a complaint about YouTube to the FTC last April.

YouTube has repeatedly grappled with how to handle controversial content aimed at children. In response to mounting complaints

about videos that show children violent, disturbing or conspiratorial images, YouTube began considering changes to children's videos such as preventing one video from automatically advancing to the next.

Meanwhile, the FTC has announced it is conducting a periodic review of its rules under COPPA to ensure it is effectively protecting children.

[http://m.cnn.com/en/article/h\\_8f928965c9da1c06d2fde9460fa61e4c](http://m.cnn.com/en/article/h_8f928965c9da1c06d2fde9460fa61e4c)

CBS News: Google to pay \$170 million for violating kids' privacy on YouTube

BY SARAH MIN

UPDATED ON: SEPTEMBER 4, 2019

Google will pay a record \$170 million fine to settle a [lawsuit](#) filed by federal and state authorities that charged the internet giant with violating children's privacy on YouTube, the Federal Trade Commission (FTC) said Wednesday.

The settlement requires Google and YouTube to pay \$136 million to the FTC and \$34 million to New York state for violating the Children's Online Privacy Protection Act, or COPPA, by collecting personal information from children without their parents' consent.

The FTC and the New York attorney general alleged in a complaint that YouTube gathered children's personal information by using "cookies," or personal identifiers, that track users online. According to the suit, YouTube earned millions of dollars by using the information to deliver targeted ads to kids.

COPPA requires online websites to obtain parental consent prior to collecting kids' online usage information. The FTC and New York Attorney General Letitia James said that, while YouTube claimed it caters to a general audience, many of its online channels are aimed at children under the age 13. That requires the service to comply with COPPA guidelines.

"YouTube touted its popularity with children to prospective corporate clients," FTC Chairman Joe Simons said in a statement. "Yet when it came to complying with COPPA, the company refused to acknowledge that portions of its platform were clearly directed to kids."

For example, a toymaker with a YouTube channel could track people who viewed its videos to send ads for its own products that are targeted to children. The FTC said in its complaint that Google and YouTube told toymaker Mattel that YouTube "is today's leader in reaching children age 6-11 against top TV channels." It also said that the companies told Hasbro that YouTube is the "#1 website regularly visited by kids."

But when it came to advertisers, the FTC alleged that YouTube told at least one marketer that the video-search company need not comply with COPPA, as it did not have users under the age of 13 on the platform.

Prior to Google's settlement, the largest civil FTC penalty for a children's data-privacy case was a [\\$5.7 million for a case in February](#) involving [social media app TikTok](#). But critics say Wednesday's settlement still amounts to a drop in the bucket for Google, whose parent company Alphabet was sitting on \$121 billion in cash and securities at the end of June.

#### **YouTube response**

YouTube responded to the FTC charges Wednesday in a [blog post](#) outlining the data privacy changes it will make on its video search platform starting in about four months. The tech company said it will treat data from anyone watching children's content on the website as "coming from a child, regardless of the age of the user."

The company also said it will stop delivering personalized ads on children's content entirely. It will also hide some features on kid's channels, such as "likes" and notifications that could influence children's usage. Content creators will also be required to specify whether their content is for children. And YouTube said it will use artificial intelligence to identify videos that target children with markers such as toys, kids' characters or games.

"We'll continue working with lawmakers around the world in this area, including as the FTC seeks comments on COPPA," YouTube CEO Susan Wojcicki said in the corporate blog post. "And in the coming months, we'll share details on how we're rethinking our overall approach to kids and families, including a dedicated kids experience on YouTube."

#### **"Walled garden"**

The settlement [follows a complaint filed in April](#) with the FTC by the Campaign for a Commercial-Free Childhood, the Center for Digital Democracy and 18 other privacy and consumer-protection groups, asking the federal agency to crack down on YouTube's data collection practices for kids.

YouTube is the best-known brand among kids aged 6 to 12, beating out the Disney Channel, McDonald's and Lego, according to an eMarketer study. The study also estimated that nearly half of kids aged under 11 watch the platform.

Josh Golin, executive director at the Campaign for a Commercial-Free Childhood, commended the settlement for targeting behavioral advertising, which he called the "most insidious form of advertising" for children who are cognitively ill-equipped to contend against algorithms from tech giants like Google tracking their online behavior.

But he and other consumer-protection groups said the \$170 million fine is not large enough to deter future violations at YouTube, which generated \$4 billion last year just on advertising revenue, according to the Consumer Federation of America. Critics also said the settlement places too much of the burden of compliance on content creators, instead of requiring Google and YouTube to police their own platform.

"This lack of accountability is inexcusable, especially since the FTC has a clear authority under the Children's Online Privacy Protection Act to enforce children's privacy rights," Susan Brown, director of consumer protection and privacy at the CFA, said in a statement. "It's like having a school playground with no one responsible for watching the kids and making sure the equipment is



safe."

Under the settlement, YouTube is only required to notify creators if their channels target children. Channels are not allowed to track user information for children without parent consent, and kids cannot comment on videos without parent consent. Golin from the Campaign for a Commercial-Free Childhood suggested that YouTube could additionally move all content for children to YouTube Kids, creating a supervised "walled garden" for kid-friendly content.

<https://www.cbsnews.com/news/ftc-fines-google-170-million-for-violating-childrens-privacy-on-youtube/>

amNY: NY to receive \$34M as Google is fined over YouTube child privacy concerns

By Sarina Trangle [sarina.trangle@amny.com](mailto:sarina.trangle@amny.com) @SarinaTrangle September 4, 2019 5:36 PM

PRINT SHARE

New York Attorney General Letitia James announced Wednesday that her office and Google reached a \$170 million settlement in a case related to YouTube tracking and targeting ads to those under 13.

James heralded the \$170 million as the largest settlement under the federal Children's Online Privacy Protection Act, which prohibits websites from collecting, using or sharing personal information — such as cookies, Internet Protocol addresses or other means of recognizing a user across websites — on children under 13, without first obtaining parental consent. The state is slated to receive \$34 million from the settlement, with the rest bound for the Federal Trade Commission.

"Google and YouTube knowingly and illegally monitored, tracked and served targeted ads to young children just to keep advertising dollars rolling in," James said in a statement. "These companies put children at risk and abused their power, which is why we are imposing major reforms to their practices and making them pay one of the largest settlements for a privacy matter in U.S. history." YouTube, a subsidiary of Google, noted in marketing materials that the video platform is the favorite website for children between the ages of 2 and 12, according to James' office. Several channels describe themselves as being geared toward children, and those run by brands like Mattel, the owner of Barbie, informed Google and YouTube their primary audiences were under 13, according to James.

Investigators discovered both Google and YouTube knowingly tracked those under 13 who were watching videos and tailored ads based on their inferred interests, according to James. The complaint alleged Google and YouTube earned about \$50 million from advertising on examined channels, which were just "a few examples of the possible universe of child-directed content on YouTube."

The settlement requires Google and YouTube to create a system for determining which videos target children and for getting parental consent before collecting and using personal information from children. The firms must retain documents needed for compliance for five years over the next decade and share requested information with state authorities within 14 days, the settlement said.

YouTube CEO Susan Wojcicki noted in a blog post that the platform launched as a site for people over 13, but a boom in family content and shared devices has compelled YouTube to rethink how it handles children watching content without supervision. In about four months, YouTube will limit data on anyone watching children's content and such videos will not be supported by any personalized ads, Wojcicki said.

"Today's changes will allow us to better protect kids and families on YouTube, and this is just the beginning," her blog post read.

"And in the coming months, we'll share details on how we're rethinking our overall approach to kids and families, including a dedicated kids experience on YouTube."

<https://www.amny.com/news/google-privacy-lawsuit-1.35898718>

Rochester Democrat and Chronicle: Google, YouTube to pay record fine over privacy protections for kids

Joseph Spector and Jon Campbell, Albany Bureau Published 9:46 a.m. ET Sept. 4, 2019 | Updated 4:53 p.m. ET Sept. 4, 2019

ALBANY - Google and YouTube will pay a record \$170 million to settle claims the online giants illegally tracked viewers of videos geared toward children in order to show them targeted advertising.

New York Attorney General Letitia James and the Federal Trade Commission announced [the proposed settlement](#) Wednesday, with James accusing the companies of "knowingly and illegally monitoring" young children to "keep the advertising dollars rolling in."

The companies were accused of violating the Children's Online Privacy Protection Act, or COPPA, which prohibits many websites from collecting or using information from children under the age of 13 without their parents' consent.

YouTube is a subsidiary of Google, which maintains an extensive advertising platform.

The \$170 million penalty is the largest COPPA settlement in history, with New York set to receive \$34 million and the FTC receiving the rest.

"These companies put children at risk and abused their power, which is why we are imposing major reforms to their practices and making them pay one of the largest settlements for a privacy matter in U.S. history," James, a Democrat, said in a statement.

Privacy law meant to protect children

COPPA was enacted by Congress in 2000 to protect the online privacy of young children.

It was expanded in 2013 to include things like cookies and IP addresses, which are often used by advertisers to track users and offer them targeted ads.

The settlement followed an investigation by the state Attorney General's Office, which focused on the thousands of YouTube channels geared toward children under the age of 13.



For those channels that collect advertising dollars, Google and YouTube were tracking viewers' cookies and other online attributes in order to show advertisements tailored to them.

According to James and the FTC, that was in violation of COPPA. That led to the major settlement, which still needs to be approved by a judge.

Google, YouTube to make changes

In addition to the financial penalty, the settlement calls for Google and YouTube to stop using previously collected personal information from the videos geared toward children while developing a system to determine whether a video is geared toward a young audience.

YouTube will also be required to notify its users that children-geared content is subject to COPPA and require them to mark videos as child-centric.

Today we're sharing several changes designed to better protect data on children's content on YouTube. Starting in about four months:

1. We will treat data from anyone watching children's content on <http://YouTube.com> as coming from a child, regardless of the age of the user. This means we will only collect the data needed to support the operation of the service.

In a post Wednesday on its official blog, YouTube said [it was making a series of changes](#) to protect children's privacy.

Among them: Treating anyone who watches a video made for children as a child under the age of 13, regardless of their actual age.

"Starting in about four months, we will treat data from anyone watching children's content on YouTube as coming from a child, regardless of the age of the user," the company wrote.

"This means that we will limit data collection and use on videos made for kids only to what is needed to support the operation of the service."

Two FTC commissioners object

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The FTC voted 3-2 to approve the proposed settlement.

FTC Commissioner Rohit Chopra was one of the two votes against the settlement package, arguing that the financial penalties aren't severe enough.

The \$170 million penalty wasn't even enough to make Google warn its investors first, [Chopra wrote in a statement](#).

"Financial penalties need to be meaningful or they will not deter misconduct," Chopra wrote.

<https://www.democratandchronicle.com/story/news/politics/albany/2019/09/04/google-youtube-pay-record-fine-new-york-over-privacy-protections/2207658001/>

CBS NY: Google, YouTube Fined \$170 Million For Violating Children's Privacy

September 4, 2019 at 12:05 pm

**NEW YORK (CBSNewYork)** – The [Federal Trade Commission](#) has fined [Google's](#) video site, [YouTube](#), for violating children's privacy.

The FTC says the company collected children's data without their parents' consent.

Of the \$170 million settlement, \$34 million will go to New York State.

Attorney General [Letitia James](#) says YouTube specifically tracked and served targeted ads in videos meant for children under the age of 13.

"Google and YouTube knowingly and illegally monitored, tracked, and served targeted ads to young children just to keep advertising dollars rolling in," James said in a statement Wednesday. "These companies put children at risk and abused their power, which is why we are imposing major reforms to their practices and making them pay one of the largest settlements for a privacy matter in U.S. history. My office is committed to protecting children and holding those who put our kids in harm's way — both on and offline — accountable."

<https://newyork.cbslocal.com/2019/09/04/ftc-fines-youtube-for-violating-childrens-privacy/>

Rollcall: Google agrees to record fine for violating children's privacy

Google agreed to pay a \$170 million fine and overhaul privacy policies on YouTube after regulators said the company illegally gathered data on underage users and allowed advertisers to use the information to target children with advertisements, regulators announced Wednesday.

The settlement, reached with New York State Attorney General Letitia James and the Federal Trade Commission, is the largest ever resulting from a violation of the Children's Online Privacy Protection Act, known as COPPA. New York will receive \$34 million of the settlement, and the remainder will go to the federal government.

Regulators said YouTube, which is owned by Google, gathered data on users under the age of 13, a violation under COPPA.

"Google and YouTube knowingly and illegally monitored, tracked, and served targeted ads to young children just to keep advertising dollars rolling in," James said in a statement. "These companies put children at risk and abused their power."

[\[Republican senators target Google's relationship with Chinese tech giant Huawei\]](#)

In a blog post, YouTube chief executive Susan Wojcicki said “nothing is more important than protecting kids and their privacy.” “From its earliest days, YouTube has been a site for people over 13, but with a boom in family content and the rise of shared devices, the likelihood of children watching without supervision has increased,” she wrote.

In addition to the fine, Google and YouTube agreed to develop a system requiring users to designate their videos as being geared toward children. The companies will also train employees who work with content providers in COPPA compliance. And they will obtain parental consent before collecting or disclosing any data on underage users, regulators said.

“The order prevents Google and YouTube from turning a blind eye to content aimed at children on the YouTube platform,” FTC Chairman Joe Simons said at a news conference on Wednesday.

Simons noted that none of the steps Google and YouTube will take are required under COPPA and said the requirements should send a message to other companies.

“The FTC takes its obligation to enforce COPPA seriously,” Simons said. “If companies violate COPPA, the FTC will take aggressive action, require corrective measures and use its authority to seek substantial civil penalties.”

But critics of Google and YouTube scoffed at the fine. Sen. [Edward J. Markey](#), D-Massachusetts, who has introduced bipartisan legislation to bolster measures for protecting children under COPPA with Sen. [Josh Hawley](#), R-Missouri, said on Twitter that the FTC “let Google off the hook with a drop-in-the-bucket fine.”

“Not a single Google executive or investor will bat an eye,” Markey said.

House Energy and Commerce Chairman [Frank Pallone Jr.](#), D-New Jersey, and [Jan Schakowsky](#), D-Illinois, who chairs the Consumer Protection and Commerce Subcommittee, said the settlement didn't go far enough. They said it underscores the need for federal privacy legislation to regulate big technology companies that collect information on Americans of all ages.

“Comprehensive federal privacy legislation is critical to provide clear protections and impose strict penalties on companies that abuse personal information, especially children’s information,” the two lawmakers said in a statement.

<https://www.rollcall.com/news/congress/google-agrees-record-fine-violating-childrens-privacy>

Reuters: Google's YouTube to pay \$170 million penalty for collecting data on kids

WASHINGTON (Reuters) - Google, which is owned by Alphabet Inc (GOOGL.O), and its YouTube video service will pay \$170 million to settle allegations that it broke federal law by collecting personal information about children, the Federal Trade Commission said on Wednesday.

YouTube had been accused of tracking viewers of children’s channels using cookies without parental consent and using those cookies to target million of dollars in advertisements to those viewers.

The settlement with the FTC and the New York attorney general’s office, which will receive \$34 million, is the largest since a law banning collecting information about children under age 13 came into effect in 1998. The law was revised in 2013 to include “cookies,” used to track a person’s internet viewing habits.

It is also small compared with the company’s revenues. Alphabet, which generates about 85% of its revenue from sales of ad space and ad technology, in July reported total second-quarter revenue of \$38.9 billion.

YouTube said in a statement on Wednesday that in four months it would begin treating all data collected from people watching children’s content as if it came from a child. “This means that we will limit data collection and use on videos made for kids only to what is needed to support the operation of the service,” YouTube said on its blog.

In addition to the monetary fine, the proposed settlement requires the company to create a system for identifying content aimed at children and to notify channel owners about their obligations to get consent from parents before collecting information on children.

FTC Chairman Joe Simons noted at a news conference on Wednesday what he said were important changes to YouTube business practices. “No other company in America is subject to these types of requirements and they will impose significant costs on YouTube,” he told reporters.

FTC’s Bureau of Consumer Protection director Andrew Smith told reporters that the \$170 million settlement was based on revenues from data collected, times a multiplier. “It happens that \$170 million is roughly the budget of the Bureau of Consumer Protection for one year,” he added.

Once the settlement takes effect, the FTC plans to “conduct a sweep of the YouTube platform to determine whether there remains child-directed content” in which personal information is being collected, Smith said.

The FTC could take actions against individual content creators or channel owners as a result.

In late August, YouTube announced it would launch YouTube Kids with separate niches for children depending on their ages and designed to exclude disturbing videos. It has no behavioral advertising.

YouTube allows companies to create channels, which include advertisements that create revenue for both the company and YouTube.

In its complaint, the government said that YouTube touted its popularity with children in marketing itself to companies like Mattel and Hasbro. It told Mattel that “YouTube is today’s leader in reaching children age 6-11 against top TV channels,” according to the complaint.

New York Attorney General Letitia James said the companies “abused their power.”

“Google and YouTube knowingly and illegally monitored, tracked, and served targeted ads to young children just to keep advertising dollars rolling in,” said James.

The two Democrats on the FTC, Rebecca Slaughter and Rohit Chopra, dissented from the settlement. Slaughter, who called the violations “widespread and brazen,” said the settlement fails to require YouTube to police channels that provide children’s content but do not designate it as such, thus allowing more lucrative behavioral advertising, which relies on tracking viewers through cookies.

Senators Ed Markey and Richard Blumenthal, both Democrats active in online privacy matters, criticized the settlement in separate statements.

“A financial settlement is no substitute for strict reforms that will stop Google and other tech companies from invading our privacy,” Blumenthal said. “I continue to be alarmed by Big Tech’s policies and practices that invade children’s lives.”

<https://www.reuters.com/article/us-google-ftc/googles-youtube-to-pay-170-million-penalty-for-collecting-data-on-kids-idUSKCN1VP1RR>

NY Post: Google fined \$170M for YouTube’s violation of child privacy laws

By Lee Brown September 4, 2019 | 10:25am

Google has agreed to pay a \$170 million fine for allowing YouTube to profit by breaking child privacy laws, authorities announced Wednesday.

Regulators said the video site, which was bought by Google in 2006, illegally gathered children’s data without their parents’ consent and then made millions by targeting them with ads.

The company agreed to pay the sum to settle the charges with the Federal Trade Commission, with \$34 million of it going to New York state, which led the probe.

Google and YouTube also vowed to change their policies to stop future violations of the Children’s Online Privacy Protection Act, authorities said.

The fine is a record for violating the act, but is tiny compared to the \$5 billion fine the FTC [imposed against Facebook](#) this year for privacy violations.

“Google and YouTube knowingly and illegally monitored, tracked, and served targeted ads to young children just to keep advertising dollars rolling in,” said New York Attorney General Letitia James.

“These companies put children at risk and abused their power, which is why we are imposing major reforms to their practices and making them pay one of the largest settlements for a privacy matter in US history.

“My office is committed to protecting children and holding those who put our kids in harm’s way — both on and offline — accountable.”

Prosecutors noted that YouTube is one of the most popular websites for children and marketing materials have dubbed it the “favorite website for kids 2-12” and the “#1 website regularly visited by kids.”

“YouTube touted its popularity with children to prospective corporate clients” while pretending material was not aimed at kids, FTC Chairman Joe Simons said in a statement.

“There’s no excuse for YouTube’s violations of the law.”

<https://nypost.com/2019/09/04/google-fined-170m-for-youtubes-violation-of-child-privacy-laws/>

Patch: New York Gets \$34M From YouTube Privacy Settlement

By [Noah Manskar, Patch Staff](#)

Sep 4, 2019 1:28 pm ET

NEW YORK — New York State will get \$34 million from a record-setting settlement with YouTube and Google over allegations that the companies violated kids’ privacy rights, officials said Wednesday.

The two tech giants [agreed to pay a total of \\$170 million](#) to New York and the Federal Trade Commission to settle accusations that they collected personal information from kids watching YouTube videos.

Tracking kids’ viewing habits and serving them targeted advertisements violated the Children’s Online Privacy Protection Act, a federal law that bars websites from collecting personal information for kids younger than 13, according to state Attorney General Letitia James’s office.

“These companies put children at risk and abused their power, which is why we are imposing major reforms to their practices and making them pay one of the largest settlements for a privacy matter in U.S. history,” James said in a statement.

As the self-described “favorite website for kids 2-12,” YouTube hosts many video channels that it and Google know target their content at young children, the AG’s office says.

YouTube collected personal information from the viewers of such kid-focused videos even though the Children’s Online Privacy Protection Act, or COPPA, bars the site from doing so without permission from parents, according to state and federal officials. The settlement requires Google and YouTube to reform their policies and practices around kids’ content in addition to the \$170 million fine, \$136 million of which will go to the FTC, officials said.

The companies must create a system for users to label their content as kid-focused; tell users about COPPA; train employees annually on compliance with the law; and get consent from parents before collecting children’s personal information, according to James’s office.

In a [blog post about the settlement](#), YouTube CEO Susan Wojcicki said the company has been taking a "hard look" at its policies around kids' content with input from experts, regulators and parents.

"Today's changes will allow us to better protect kids and families on YouTube, and this is just the beginning," Wojcicki wrote.

<https://patch.com/new-york/new-york-city/new-york-gets-34m-youtube-privacy-settlement>

Post Journal: YouTube, Google To Pay \$170M For Collecting Children's Personal Data Without Parents' Consent

NEW YORK — Google LLC and YouTube LLC have agreed to pay \$170 million in a national settlement, \$34 million of which will go to New York state, for violating the Children's Online Privacy Protection Act by specifically tracking and serving targeted advertisements to users watching videos directed to children under the age of 13 on YouTube.

*"Google and YouTube knowingly and illegally monitored, tracked, and served targeted ads to young children just to keep advertising dollars rolling in,"* said Letitia James, state attorney general. *"These companies put children at risk and abused their power, which is why we are imposing major reforms to their practices and making them pay one of the largest settlements for a privacy matter in U.S. history. My office is committed to protecting children and holding those who put our kids in harm's way – both on and offline – accountable."*

Congress enacted COPPA in 2000 to protect the online privacy of young children. COPPA prohibits operators of certain websites from collecting, using, or disclosing personal information (e.g. first and last names, e-mail addresses, etc.) of children under the age of 13 without first obtaining parental consent. Operators of websites and online services directed to children under the age of 13, and the operators of websites and online services that have actual knowledge that they are collecting personal information from users of other websites directed towards children under the age of 13, are subject to COPPA.

In July 2013, the definition of *"personal information"* was revised to include persistent identifiers that can be used to recognize a user over time and across websites, such as the ID found in a web browser *"cookie"* or an Internet Protocol (IP) address. The revision effectively prohibits covered operators from using cookies, IP addresses, and other persistent identifiers to track users across websites for most advertising purposes, to amass profiles on individual users, or to serve online behavioral advertisements on COPPA-covered websites.

Google and YouTube's marketing materials have stated that YouTube is the *"favorite website for kids 2-12"* and the *"#1 website regularly visited by kids."* Many of YouTube's channels even self-identify in their *"About"* section as specifically intended for children. Additionally, Google and YouTube have actual knowledge that many of the channels and videos on the YouTube platform are directed towards children: through communications with channel owners (e.g., the owner of the *"Barbie"* and *"Monster High"* channels specifically informed Google and YouTube that their channels are directed towards children under the age of 13) and through manual and automated reviews of channel content (e.g., Google and YouTube review and rate all videos uploaded to YouTube, as well as channels as a whole, according to a content rating system that categorizes video content into age groups – Y for ages 0-7, G for all ages, PG for ages 10 and up, Teen for ages 13 and up, MA for ages 16 and up, and X for ages 18 and up). Eligible channel owners on YouTube are able to monetize their channel by allowing Google and YouTube to serve advertisements to viewers. When a channel owner monetizes a channel, Google and YouTube, by default, track viewers of the channel using viewers' cookies or mobile advertising identifiers and serve advertisements that are specifically tailored to those viewers' inferred interests. COPPA effectively prohibits this type of tracking and online behavioral advertising when Google and YouTube have actual knowledge that the content is directed towards children younger than 13-years-old.

In a prior investigation into violations of COPPA, the office discovered that a well-known channel owner had repeatedly informed Google and YouTube that its videos were directed to children younger than 13-years-old.

The investigation found that Google and YouTube knowingly and illegally tracked and served targeted advertisements to children under the age of 13 on YouTube in violation of COPPA. The companies have agreed to injunctive provisions and reforms to their practices in an effort to prevent further violations of COPPA, including:

- Developing, implementing, and maintaining a system for users to designate whether the video content they have uploaded is directed to children;
  - Notifying users that content directed towards children on YouTube may be subject to the COPPA Rule, and that users who have uploaded such content are obligated to designate it as child-directed;
  - Providing annual COPPA compliance training to employees responsible for managing relationships with users that upload content to YouTube; and
  - Obtaining verifiable parental consent before any collection, use, and/or disclosure of personal information from children.
- Google and YouTube have also agreed that personal information previously collected from children can no longer be used.

The Federal Trade Commission also obtained \$136 million today in penalties.

<https://www.post-journal.com/news/latest-news/2019/09/youtube-google-to-pay-170m-for-collecting-childrens-personal-data-without-parents-consent/>

Digital Trends: YouTube slapped with \$170 million fine for violating children's online privacy

By Allison Matyus September 4, 2019

The Federal Trade Commission (FTC) has fined [YouTube](#) \$170 million as part of a settlement relating to the video platform's treatment of children.

FTC [announced](#) the settlement on Wednesday, September 4. The Google-owned platform has to pay \$34 million to New York for



allegations that it violated the [Children's Online Privacy Protection Act \(COPPA\) Rule](#). YouTube has to pay the remaining \$136 million to the FTC, which is the largest sum the FTC has received from a COPPA case.

The settlement passed in a 3-2 vote of the commission.

YouTube allegedly collected personal information used to track internet users from viewers on channels aimed toward children. A joint complaint from the FTC and New York Attorney General, Letitia James, alleges that YouTube collected this information for targeted advertisements without notifying parents or securing their consent.

The FTC said that under the COPPA rule established in 1998, websites and services directed at children must "provide notice of their information practices and obtain parental consent prior to collecting personal information from children under 13, including the use of persistent identifiers to track a user's internet browsing habits for targeted advertising."

The FTC pointed to YouTube telling popular toymakers Mattel and Hasbro that the platform was the "leader" in reaching kids ages 6-11 online.

"YouTube touted its popularity with children to prospective corporate clients," said FTC Chairman, Joe Simons, in the FTC press release. "Yet when it came to complying with COPPA, the company refused to acknowledge that portions of its platform were clearly directed to kids. There's no excuse for YouTube's violations of the law."

The complaint asserts that while YouTube claims to be a "general-audience" site, many of the platform's channels are explicitly directed at children. YouTube also maintains a kid-friendly app called YouTube Kids.

YouTube published a [blog post](#) the same day the FTC settlement was announced about children and data protection on the platform.

"Responsibility is our number one priority at YouTube, and nothing is more important than protecting kids and their privacy. We've been significantly investing in the policies, products, and practices to help us do this," wrote YouTube CEO Susan Wojcicki in the post. "From its earliest days, YouTube has been a site for people over 13, but with a boom in family content and the rise of shared devices, the likelihood of children watching without supervision has increased."

Wojcicki shared that YouTube will stop personalized ads on all children-related content, as well as features like comments on videos. She said they would also limit data collection on kid-friendly channels.

"Today's changes will allow us to better protect kids and families on YouTube, and this is just the beginning. We'll continue working with lawmakers around the world in this area, including as the FTC seeks comments on COPPA," Wojcicki added.

Digital Trends reached out to the FTC and YouTube for further comment, and we'll update this report if and when we hear back.

<https://www.digitaltrends.com/news/youtube-fined-170-million-for-violating-childrens-online-privacy/>

NY Daily News: Google, YouTube hit with record-setting \$170 million fine for collecting personal information on users under the age of 13

Larry McShane

By LARRY MCSHANE

NEW YORK DAILY NEWS |

SEP 04, 2019 | 11:23 AM

You can Google it: The ubiquitous tech company with the popular search engine was fined a record \$170 million for mining kids' personal data without their parents' permission.

The Federal Trade Commission announced the penalty Wednesday, alleging that YouTube used the illegally collected information to collect millions of dollars in revenue via targeted ads to the kids.

New York state will receive \$34 million of the money under the agreement reached for violations of the Children's Online Privacy Protection Act by the Google-owned video site YouTube. The law requires parental consent for companies to collect and share data on children under age 13.

"Google and YouTube knowingly and illegally monitored, tracked and served targeted ads to young children just to keep advertising dollars rolling in," said New York state Attorney General Letitia James, whose office leveled similar charges against Google. "These companies put children at risk and abused their power."

FTC Chairman Joe Simons said there was no excuse for the company's illegal actions.

"YouTube touted its popularity with children to prospective corporate clients," said Simons. "Yet when it came to complying with COPPA, the company refused to acknowledge that portions of its platform were clearly directed to kids."

"There's no excuse for YouTube's violation of the law."

Google, in a statement, promised changes going forward in its data collection for kids' content on YouTube.

"Responsibility is our No. 1 priority at YouTube, and nothing is more important than protecting kids and their privacy," the company said. "We've been significantly investing in the policies, products and practices to help us do this."

It marked the third time since 2011 that Google was sanctioned by the FTC. But shed no tears for the deep-pocketed business:

Google's parent company Alphabet turned a \$30.7 billion profit in 2018.

The fine, which still needs approval from a federal court in Washington, was ripped by advocates for the online protection of kids as woefully inadequate to halt such behavior.

"A small amount like this would effectively reward Google for engaging in massive and illegal data collection without any regard to children's safety," said Katharina Kopp, deputy director of the Center for Digital Democracy.

Google and YouTube will pay a total of \$170 million to settle allegations by the Federal Trade Commission and New York's attorney general that the video platform collected children's personal data without parents' consent.

The FTC will get \$136 million and the rest will go to New York. The fine marks the largest the FTC has leveled against Google, although it's dwarfed by the \$5 billion fine the agency imposed against fellow tech giant Facebook earlier this year for privacy violations.

The FTC found that YouTube violated the Children's Online Privacy Protection Act (COPPA) which requires parental consent before companies can collect children's personal information.

The investigation by the New York Attorney General's Office found "both Google and YouTube knowingly and illegally tracked and served targeted advertisements to children under the age of 13 on YouTube in violation of COPPA."

"Google and YouTube knowingly and illegally monitored, tracked, and served targeted ads to young children just to keep advertising dollars rolling in," said the state's Attorney General Letitia James. "These companies put children at risk and abused their power, which is why we are imposing major reforms to their practices and making them pay one of the largest settlements for a privacy matter in U.S. history. My office is committed to protecting children and holding those who put our kids in harm's way — both on and offline — accountable."

YouTube has said its service is intended for ages 13 and older, although younger kids commonly watch videos on the site and many popular YouTube channels feature cartoons or sing-a-longs made for children.

James said Google and YouTube are putting forth the following measures to ensure they are complying with the COPPA law:

- Developing, implementing, and maintaining a system for users to designate whether the video content they have uploaded is directed to children;
  - Notifying users that content directed towards children on YouTube may be subject to the COPPA Rule, and that users who have uploaded such content are obligated to designate it as child-directed;
  - Providing annual COPPA compliance training to employees responsible for managing relationships with users that upload content to YouTube; and
  - Obtaining verifiable parental consent before any collection, use, and/or disclosure of personal information from children.
- Google and YouTube have also agreed that personal information previously collected from children can no longer be used.

Connecticut Sen. Richard Blumenthal said more needs to be done to protect the privacy of children.

"A financial settlement is no substitute for strict reforms that will stop Google and other tech companies from invading our privacy—particularly when children are concerned. I continue to be alarmed by Big Tech's policies and practices that invade children's lives. When companies like Google repeatedly break the law, the FTC must demand structural change and executive accountability," he stated. "I am concerned that the divided vote reflects a lack of resolve and a lost opportunity to impose necessary accountability measures to rein in Google's pattern of privacy abuses."

<https://wcbs880.radio.com/articles/news/youtube-pay-170m-fine-after-violating-kids-privacy-law>

Law.com: FTC Official Urges State Attorneys General to Sue Google Over Kids' Privacy Violations

By Sue Reisinger | September 04, 2019 at 04:17 PM

Google LLC Wednesday agreed to pay a record \$170 million penalty and make compliance changes after violating children's privacy rights. But one regulator said the settlement didn't go far enough and urged attorneys general nationwide to sue the company.

"More action is needed, and I hope that our partners in state attorneys' general offices can finish the job," said a [statement](#) from Federal Trade Commission Commissioner Rebecca Kelly Slaughter, who dissented.

The Google penalty was part of a [settlement](#) with FTC general counsel Alden Abbott and New York Attorney General Letitia James. Under the deal, New York receives \$34 million of the penalty.

A Google representative didn't respond to questions but referred Corporate Counsel to its [statement](#), a lengthy blog post by YouTube CEO Susan Wojcicki detailing its policies, products and practices. Wojcicki wrote, "Responsibility is our number one priority at YouTube, and nothing is more important than protecting kids and their privacy."

The [joint complaint](#) filed against Google and its online video platform, YouTube, accused the companies of displaying content for children, gathering and tracking the viewer data, and then targeting ads at those children. The complaint said their conduct violated the Children's Online Privacy Protection Act, or COPPA.

"Just as the attorney general of New York contributed to bringing this action," Slaughter said, "the other 49 states' attorneys general remain empowered by COPPA to take action against the violations that we detail in the complaint."

Specifically, Slaughter wants the states to seek an injunction demanding that Google create a technological backstop to evaluate content and keep creators and YouTube honest about whether content is child-directed.

The complaint identified several content creators, including toy brands Mattel Inc. and Hasbro Inc., as well as the Cartoon Network.

Under COPPA, if content is directed to children, then it is illegal to collect personal information from those viewers without getting parental consent. Under Wednesday's settlement, YouTube must ask a content's creator to designate the content as child-directed or not.

If the creator designates it is for general audiences, then Google can collect viewer data and target ads, sharing the revenue with the creator. If the creator says it is child-directed content, then parental consent must be obtained first to gather viewer data and target ads.

Slaughter wants Google to be more responsible for identifying child-directed content, and not depend on the creators' honesty. "My concern is with the vast universe of content creators who will conduct a different cost-benefit analysis in which the perceived payoff of monetizing child-directed content through [targeted] advertising outweighs the perceived risk of being caught violating COPPA," she said.

Slaughter, a Democrat appointee, was joined by fellow Democrat Commissioner Rohit Chopra in filing dissenting statements. Chopra noted it was the third time since 2011 that the commission has sanctioned Google for privacy violations.

Chopra went on to analyze Google's profits and, while the numbers are redacted in his statement, he suggests the company profited considerably more from its illegal behavior than it paid in the penalty.

"When Google pays a fine and still profits from misconduct, this is not a penalty," his statement said.

The three-person Republican majority on the commission found that the fine was substantial and adequate. Chairman Joseph Simons and Commissioner Christine Wilson issued a joint statement calling the settlement "groundbreaking" and a "significant victory" that sends a strong message to platforms.

Besides the penalty, the settlement requires Google and YouTube to maintain a system that permits creators to identify their child-directed content. The companies must notify creators that their content may be subject to the COPPA rule's obligations and provide annual compliance training for employees who deal with YouTube content creators.

<https://www.law.com/corpcounsel/2019/09/04/ftc-official-urges-state-attorneys-general-to-sue-google-over-kids-privacy-violations/>

Law.com: Google, YouTube to Pay \$170M in Child Privacy Settlement

By Dan M. Clark | September 04, 2019 at 12:33 PM

Google and YouTube have agreed to pay \$170 million to the Federal Trade Commission and New York state in the largest-ever settlement in an enforcement matter brought under a federal law intended to prevent companies from collecting personal data from children without the consent of their parents.

The companies were accused of unlawfully tracking the behavior of users below 13 years old and serving them targeted advertisements based on that information, the New York Attorney General's Office said.

"These companies put children at risk and abused their power, which is why we are imposing major reforms to their practices and making them pay one of the largest settlements for a privacy matter in U.S. history," said New York Attorney General Letitia James. Of the \$170 million Google and YouTube agreed to pay as part of the settlement, \$136 million will go to the FTC. The remainder will be paid to New York state.

The FTC said in [a news release](#) on the settlement that the amount paid to them is by far the largest ever obtained by the federal agency under the Children's Online Privacy Protection Act since it was approved by Congress two decades ago. YouTube earned millions of dollars by using the data to serve targeted ads to viewers of child-directed channels, the FTC said.

"YouTube touted its popularity with children to prospective corporate clients," FTC Chairman Joe Simons said. "Yet when it came to complying with COPPA, the company refused to acknowledge that portions of its platform were clearly directed to kids. There's no excuse for YouTube's violations of the law."

The commission was split on approving the settlement, with three commissioners in favor and two against.

Commissioner Rohit Chopra, for example, wrote in a statement dissenting from the settlement that the amount to be paid by Google and YouTube was too low. He argued that the FTC should have made a higher opening bid for monetary relief to highlight the depth of the matter.

"Financial penalties need to be meaningful or they will not deter misconduct," Chopra wrote.

He also suggested that Congress approve additional digital privacy legislation to give state attorneys general, like James, more power to seek penalties in future instances. In this case, because of how COPPA was written, that wasn't an option, Chopra wrote. "In COPPA, state attorneys general can only seek forfeiture of ill-gotten gains and refunds to victims, but not financial penalties beyond that. In this matter, the New York attorney general was unable to pursue civil penalties, since the FTC has exclusive authority to do so," Chopra wrote. "This should change."

Aside from the financial penalties, YouTube, which is owned by Google, agreed to implement reforms to avoid future violations of COPPA, according to the New York Attorney General's Office.

YouTube agreed to develop, implement and maintain a system for users to choose whether their videos are directed to children. They will now notify users that content directed toward children on the website may be subject to the COPPA rule, and that the burden is on contributors to designate that content as child-directed.

The company will also obtain verifiable parental consent before collecting, using or disclosing the personal information of children, as is required under COPPA. Employees who work with users will also receive annual compliance training with the law.

FTC Commissioner Rebecca Kelly Slaughter, the other dissenting vote, wrote in a statement that the agreed-upon reforms by



YouTube didn't go far enough. She argued that the company should have been required to develop a safety net mechanism to turn off behavioral advertising for content that was directed for children, but hadn't been designated as such.

"True, a technological backstop is not explicitly mandated by COPPA's text, but such a requirement would, I believe, be appropriate and necessary fencing-in relief," Slaughter wrote.

YouTube said in [a blog post](#), which it said served as its statement for the press, that it intends on treating data from anyone watching children's content on the site as coming from a child, regardless of the user's actual age. They'll also stop serving personalized ads on that content, entirely, the company said.

"This means that we will limit data collection and use on videos made for kids only to what is needed to support the operation of the service," YouTube said in the blog post.

<https://www.law.com/2019/09/04/google-youtube-agree-to-pay-170m-to-ftc-ny-ags-office-in-online-privacy-settlement-292-52837/>

## Deadline: YouTube Agrees To Pay \$170M Fine For Children's Privacy Violations; FTC Says Settlement "Game Changing" For Online Platforms – Update

By [Ted Johnson](#)

September 4, 2019

[Google](#) will pay \$170 million to settle claims by the [Federal Trade Commission](#) and a New York Attorney General Letitia James that [YouTube](#) illegally collected personal information from children without their parent's consent.

The record fine, which had been anticipated after news reports that Google was about to settle the case, has ramifications across all platforms, as so much of kids' viewing habits have shifted to online devices. Parental and consumer groups had called on the FTC to investigate what they saw as flagrant violations of a 1998 law that restricts the online collection of information from kids under the age of 13 without parental consent.

According to the FTC, Google and YouTube will pay \$136 million to the agency, and \$34 million to New York. The federal regulators said that the fine was the largest the FTC had ever collected for violations of the Children's Online Privacy Protection Act, but also that it marked a turning point in enforcement.

Andrew Smith, director of the FTC's Bureau of Consumer Protection, said that this was the first time that the agency had found "a platform liable for content posted by someone else. That is a really big deal. This is game changing."

In the complaint, the FTC and the New York Attorney General's office claimed that YouTube violated the law by collecting tracking information from viewers of YouTube channels directed at children, and then earned "millions of dollars" by using the "cookies" to target ads to those channels' viewers.

The law requires disclosure of their tracking practices and parental consent.

FTC chairman Joe Simons said that YouTube "touted its popularity with children to prospective corporate clients. Yet when it came to complying with [the children's privacy act], the company refused to acknowledge that portions of its platform were clearly directed to kids. There's no excuse for YouTube's violations of the law."

In a press conference, Simons and Smith touted the unprecedented nature of the fine, but also spoke of the challenge of holding YouTube liable. The agency had to show that the platform had "actual knowledge" that content posted to its site was directed at children and subject to the privacy law.

In a blog post, YouTube CEO Susan Wojcicki said that it will make a series of changes on its platform. In four months, the company said it will "treat data from anyone watching children's content on YouTube as coming from a child, regardless of the age of the user."

"This means that we will limit data collection and use on videos made for kids only to what is needed to support the operation of the service," she wrote. "We will also stop serving personalized ads on this content entirely, and some features will no longer be available on this type of content, like comments and notifications."

She also said that they will be using "machine learning" to find videos that target young audiences, including those that "have an emphasis on kids characters, themes, toys or games."

According to the FTC, Google sent contradictory messages over the audiences for YouTube content. It claimed that it was a general audience site, and even told one advertising company that it did not have to comply with the children's privacy law because it did not have users younger than 13 on its platform, according to the agency. But the agency noted that YouTube also marketed itself to toy makers as a popular destination for kids, even promoting that it was a new Saturday morning destination for those young viewers. It told Mattel and Hasbro that it was a leader in reaching children aged 6-11, the agency said.

"You can't market your ability to get child viewers on the one hand, and disavow knowledge on the other," Smith said.

The settlement also requires that Google and YouTube notify channel owners when their content may be subject to the children's privacy law, and mandates compliance training for certain YouTube employees. It also requires that the platform maintain a system for YouTube channel owners to identify their children's content on the platform, flagging it for compliance with the law.

The settlement must be approved by a federal judge.

The commission voted 3-2 to approve the settlement. Commissioners Rebecca Kelly Slaughter and Rohit Chopra voted against the action because they did not think it went far enough in sanctioning the company.

Two of the consumer groups that filed the complaint — the Campaign for a Commercial Free Childhood and the Center for Digital Democracy — said they were pleased with a provision in which Google and YouTube will ask their content creators to disclose if their videos are aimed at children. The thinking is that will help reduce the amount of “behavioral” advertising targeting young viewers.

But the groups expressed skepticism that the settlement will lead to substantive changes, as it does not specifically mandate that YouTube determine on its own whether the videos posted to its site are directed at kids. The burden of compliance will be with content creators, many of whom will face lower revenues if they shut down their targeted advertising capabilities, they said. Jeff Chester, executive director of the Center for Digital Democracy, is calling for Congress to create a consumer watchdog to oversee online privacy practices.

“More fundamental changes will be required to ensure that YouTube is a safe and fair platform for young people,” he said. The FTC’s Smith said that it considered mandating that YouTube implement a “machine learning” tool to identify children’s content, but ultimately decided that it posed enforcement problems and could evolve into a legal quagmire. YouTube’s announcement that it would take such an approach on its own is an indication that the company has an incentive “to police their platform,” he said.

YouTube also recently announced other changes, including the introduction of a desktop version of its YouTube Kids. They also announced a \$100 million fund to invest in “thoughtful, original children’s content” over the next three years.

<https://deadline.com/2019/09/google-youtube-pay-170-million-dollars-childrens-privacy-violations-1202710488/>

Fox News: YouTube to pay massive \$170M fine as it settles claims it violated children's privacy laws

By Chris Ciaccia

[Google](#)-owned YouTube has settled with the Federal Trade Commission and the New York Attorney General, offering to pay a fine of \$170 million on allegations that it violated children's privacy laws.

The \$170 million breaks down into two parts: \$136 million will be paid to the FTC and the remaining \$34 million will go to New York on allegations the video-sharing site violated the Children’s Online Privacy Protection Act (COPPA) Rule, which was enacted in 1998 under President Clinton.

“YouTube touted its popularity with children to prospective corporate clients,” said FTC Chairman Joe Simons in a [statement](#). “Yet when it came to complying with COPPA, the company refused to acknowledge that portions of its platform were clearly directed to kids. There’s no excuse for YouTube’s violations of the law.”

The fine was passed by a 3-2 vote by the FTC Commission, with the commissioners voting along party lines.

In the complaint by the FTC and the New York Attorney General, YouTube marketed itself to toy companies such as Mattel and Hasbro. YouTube told Mattel that it is “today’s leader in reaching children age 6-11 against top TV channels,” while telling Hasbro that it is the “#1 website regularly visited by kids.”

“Google and YouTube knowingly and illegally monitored, tracked, and served targeted ads to young children just to keep advertising dollars rolling in,” said New York Attorney General Letitia James in a statement obtained by Fox News. “These companies put children at risk and abused their power, which is why we are imposing major reforms to their practices and making them pay one of the largest settlements for a privacy matter in U.S. history. My office is committed to protecting children and holding those who put our kids in harm’s way — both on and offline — accountable.”

“COPPA imposes certain requirements on operators of websites or online services directed to children under 13 years of age, and on operators of other websites or online services that have actual knowledge that they are collecting personal information online from a child under 13 years of age,” reads a summary of the law on the Federal Trade Commission's [website](#).

Despite YouTube's claims to Mattel and Hasbro, it told one advertising company “it did not have users younger than 13 on its platform,” adding that channels on the platform did not need to comply with COPPA, according to the complaint.

Aside from the fine, the largest the FTC has obtained since the law was enacted, Google and YouTube are required to “develop, implement, and maintain a system that permits channel owners to identify their child-directed content on the YouTube platform so that YouTube can ensure it is complying with COPPA.”

The companies are also required to “notify channel owners that their child-directed content may be subject to COPPA.”

The two dissenting commissioners, Rohit Chopra and Rebecca Kelly Slaughter, said the penalties put forth against YouTube and Google did not go far enough.

“For the third time since 2011, the Federal Trade Commission is sanctioning Google for privacy violations,” Chopra wrote in [his dissent](#). “This latest violation is extremely serious. The company baited children using nursery rhymes, cartoons, and other kid-directed content on curated YouTube channels to feed its massively profitable behavioral advertising business.”

“The order does not require YouTube to police the channels that deceive by mis-designating their content, such as by requiring YouTube to put in place a technological backstop to identify undesignated child-directed content and turn off behavioral advertising,” Kelly Slaughter wrote in her [dissent](#). “True, a technological backstop is not explicitly mandated by COPPA’s text, but such a requirement would, I believe, be appropriate and necessary fencing-in relief. The order’s requirement that channel owners designate content as child-directed is also not required by COPPA, yet it is a good start to fencing-in relief, to which YouTube has consented, to redress YouTube’s own COPPA violations and reduce its facilitation of others’ violations. Fencing-in relief that goes beyond bare-minimum statutory requirements is a common and important aspect of effective Commission orders.”

YouTube has come under fire from both the left and right for a myriad of reasons. Earlier this week, [the company said](#) it removed

more than 17,000 channels and 100,000 videos, along with at least 500 million comments, since the company announced a broad crackdown [on hate speech](#) in June.

[https://www.foxnews.com/tech/youtube-to-pay-massive-170m-fine-as-it-settles-claims-it-violated-childrens-privacy-laws.amp?cmpid=prn\\_newsstand](https://www.foxnews.com/tech/youtube-to-pay-massive-170m-fine-as-it-settles-claims-it-violated-childrens-privacy-laws.amp?cmpid=prn_newsstand)

## Queens Cemetery Lawsuit

Crain's New York Business: AG suing executives accused of plundering Queens Cemetery

[State Attorney General Letitia James'](#) office is suing the directors of a notorious Queens cemetery for plundering and mismanaging the property's funds.

The case was filed on Tuesday in State Supreme Court against seven current and former directors at the [All Faiths Cemetery](#), a 225-acre property in Middle Village with more than 540,000 graves.

The suit lays its most serious accusations against Daniel Austin Sr., who served as the cemetery's chief executive for almost 30 years, along with his son, Daniel Austin Jr., who was appointed by Austin Sr. as his successor and who also is accused of misconduct and illicitly enriching himself.

Austin Sr. took \$900,000 from the cemetery, according to the complaint, lifted his annual salary to \$325,000 and enjoyed other perks, such as the use of a car paid for out of the cemetery's coffers—all while the finances of the nonprofit that operated the property deteriorated and the site fell into disrepair.

[Past media reports](#) describe cracked and toppled headstones, sinkholes, overgrown shrubbery and grass and potholed pavement. [In an interview with the Queens Daily Eagle in December](#), Austin Sr. blamed the property's increasingly run-down condition on the families of those buried there, suggesting that they didn't pay funds to continue to maintain grave sites. But the lawsuit says the cemetery's finances had been in decline for a different reason altogether: Austin Sr. and the other defendants were pilfering the money. In 2014 Austin Sr. ordered that a \$900,000 retirement fund be liquidated and granted to him in a lump sum, even though he didn't retire and continued to work as a leader of the cemetery and contrary to rules that required the fund be disbursed only in monthly payments, according to the suit.

At around the same time, Austin Sr. appointed his son as president of the cemetery and stepped into the role of chairman of the nonprofit that operated the property. Four years later, in August 2018, Austin Jr. resigned after the cemetery's board discovered that he had taken \$63,000 in fraudulent performance bonuses. Austin Sr. repaid the amount but permitted his son to keep a pension from the cemetery, according to the suit.

The attorney general's office estimates that Austin Sr. earned about \$5.4 million in salary as cemetery president from 1990 to 2014, and likely an additional million dollars or more from 2014 to this year as chairman.

In addition to personally enriching himself, the suit states that Austin Sr. paid two cemetery board members, Donald Pfail and Anthony Mordente, who were supposed to serve as watchdogs for the nonprofit's finances, more than \$540,000 from 2013 to 2018, with "no steps to evaluate the reasonableness of the amounts paid or the value of the services obtained."

The cemetery's leaders also granted improper mortgage loans to themselves, the suit alleges. Michael Michel, a board member and defendant in the suit, received a \$400,000 interest-only loan that his daughters purportedly planned to use to build a home in Far Rockaway, Queens. Another board member and defendant, Joseph Lodato, allegedly granted a \$500,000 loan to his brother. Another board member and defendant in the case, Vera Princiotta, told the attorney general she saw no conflict of interest in granting board members or their relatives loans from the cemetery, the suit states.

"If they're not living in the same household, they're two different people. I would assume there's no conflict of interest there," Princiotta said, according to the suit.

In 2016, the suit states, executive and director salaries and other administrative fees accounted for \$660,000, 45% of the cemetery's revenue. The next year it increased to \$729,320, 54% of total revenue. Last year an auditor warned that the cemetery's general operating fund could be "wiped out if that trend continues."

The suit is seeking to recoup monies illicitly taken by the defendants from the cemetery and sanction them from participating as board members or trustees, or have any fiduciary role, in a New York charitable entity.

The cemetery's phone appears to be disconnected, and it did not immediately respond to an emailed request for comment.

<https://www.crainsnewyork.com/real-estate/ag-suing-executives-accused-plundering-queens-cemetery>

QNS: Trump clan final resting place is a mismanaged mess, State AG alleges

By QNS Special / editorial@schneepsmedia.com / Wednesday, September 4, 2019 / 3:15 PM

Digging deep into the operations of a Queens graveyard, state Attorney General Letitia James sued leaders of Lutheran All Faiths Cemetery Tuesday for alleged mismanagement she says let its longtime boss to retire with a pot of gold.

Among the more than 540,000 people laid to rest in the 225-acre expanse, which [some reports say](#) has seen better days: [Fred and Mary Trump](#), the parents of President Donald Trump, as well as his late brother Fred Trump Jr.

The civil complaint filed in Manhattan state Supreme Court stems from routine audit of assets by the New York State Division of

Cemeteries, which revealed that Daniel Austin Sr. received a \$900,000 lump sum shortly before retiring as Lutheran All Faiths' president in 2014 and becoming board chair.

His successor as president of the Middle Village cemetery was his son, Daniel Austin Jr., also a defendant in the attorney general's lawsuit.

The complaint describes "extraordinary misconduct" by the duo.

James accuses Austin Sr. of extracting "enormous financial benefits" from the cemetery to enrich himself and his son — "enabled by the complacency" of the six other defendants, all current or former paid board members.

Among their actions, James alleges, was making mortgage loans to relatives using restricted trust funds belonging to the cemetery, collecting unwarranted fees and ignoring auditors' recommendations.

"The defendants funded their overspending with regular unlawful incursions into a segregated trust fund that is expressly protected under New York law for the care and maintenance of individual burial plots," the complaint reads.

The board members, charged with financial management of the cemetery, hired treasurers whom the lawsuit alleges could not identify "basic elements of the cemetery's balance sheet." The board also allowed past chairman Daniel Austin Jr. to resign in August 2018 with full pension benefits after removing him for stealing more than \$60,000 from the burial ground's operating funds, according to court documents.

The board let Austin Sr. repay the embezzled sum on his son's behalf without interest, according to the complaint. At the time of his retirement in 2014 after 24 years as president, the senior Austin earned \$325,000 annually, according to the attorney general. Austin Sr., a former NYPD detective raised in Glendale, said on Tuesday evening he did not want to comment on the suit "because I just found out myself five minutes ago."

Perpetual Care and Disrepair

The cemetery's website describes it as a "picturesque" final resting place with grave plots that are accessible to people of different faiths and income brackets. It also touts the "many improvements and upgrades" made under the leadership of Daniel Austin Sr. A sign at the cemetery touts that it's "well operated." Photo: Ben Fractenberg/THE CITY

But for years, families of those buried at the cemetery bordering Metropolitan Avenue have bemoaned the grounds, which they describe as in a state of utter disrepair — toppled gravestones, overgrown grass being colonized by weeds, roads riddled with potholes.

In an interview with the [Queens Daily Eagle](https://qns.com/story/2019/09/04/trump-clan-final-resting-place-is-a-mismanaged-mess-state-ag-alleges/) last year, Austin Sr. attributed frayed conditions to families' failure to pay for upkeep. This money is stored in a restricted fund dedicated to perpetual care — the same fund the board tapped to "support their overspending," the attorney general's filing contends. In 2017, the cemetery's auditor reported that the board had drained \$1 million in these sealed funds to offset general operating costs.

James is seeking to remove all three defendants still serving on the board, restore any assets that were lost or stolen, seal off any future payments to the defendants, and recover salaries previously paid to them. She also wants to permanently bar the defendants from ever working in a fiduciary role at another non-profit organization in New York.

"This is totally shocking and disappointing, if true," said Councilmember Bob Holden (D-Middle Village). "I suspected there was some change happening when the cemetery fell into disrepair, but I never imagined something like this. They used to work with the community and I know my neighbors will be saddened by this."

<https://qns.com/story/2019/09/04/trump-clan-final-resting-place-is-a-mismanaged-mess-state-ag-alleges/>

Ridgewood Post: Board Members of Non-Profit Cemetery Embezzled Thousands of Dollars

Sept 4, 2019 By Allie Griffin

Board Members of a non-profit cemetery in Middle Village pocketed thousands of dollars meant for the cemetery upkeep, while complaining about a lack of funds, according to a suit filed Tuesday by New York State Attorney General Letitia James.

The suit claims that seven former and current board members of the nonprofit Lutheran All Faiths Cemetery racked up "millions of dollars in operating costs" to enrich themselves from at least 2014 onward, while the cemetery grounds fell into disarray.

The board members "exploited their positions at the Cemetery to draw fees, salaries, and loans from the Cemetery's charitable assets while ignoring their basic fiduciary obligation to manage the assets under their control for the benefit of the Cemetery and its property," the suit alleges.

Among the charges, Attorney General James claims the board members embezzled thousands, paid themselves exorbitant salaries and unauthorized retirement benefits and director fees, lent restricted funds to family members as mortgage "investments," and ignored the outside auditor's recommendation to curtail their spending.

The board chairman and former president Daniel Austin, Sr. made out with about \$5.4 million in salary for the various positions he served at the cemetery from 1990 and 2014. He retired as president and CEO in May 2014 and received \$900,000 in retirement pay, yet continued to work as a salaried chairman of the board for another five years.

Lutheran All Faiths Cemetery sign reads "Exceptionally well operated and maintained" (Google Maps)

In December 2018, Austin, Sr. told the Queens Daily Eagle that the crumbling graves and lack of proper upkeep at the 225-acre Lutheran All Faiths Cemetery was due to a chronic lack of cash. He told the newspaper that funds tied up for perpetual care couldn't be used to maintain gravesites that haven't been paid and doing so would mean committing a misdemeanor.

Yet Austin and the board continuously drained thousands and sometimes millions of dollars legally allotted only for perpetual care for other operating costs, according to the suit.

The mismanagement and embezzlement of the cemetery also involved Austin's son Daniel Austin, Jr., who was appointed president after his father stepped down from the role. The son embezzled \$63,000 in unapproved bonuses through the Cemetery payroll, according to the lawsuit.

To top it off, in a July 2018 board meeting, the mismanagement escalated to a physical altercation between board members and Austin Jr. in which he was in possession of a firearm, according to court documents.

Other board members used restricted cemetery assets to provide private mortgage loans to their close relatives, totaling nearly \$1 million between 2015 and 2017, according to the complaint.

Attorney General James is seeking to remove the three current board members from their positions, recover any charitable assets lost or stolen, end further payments to board members and recover salaries previously paid to them.

<https://ridgewoodpost.com/board-members-of-non-profit-cemetery-embezzled-thousands-of-dollars>

## Hurricane Dorian Charity

NBC/CBS Utica: BEWARE SCAMMERS LOOKING TO PROFIT FROM HURRICANE DORIAN RELIEF

State officials are urging New Yorkers to conduct thorough research before making donations to relief organizations in the wake of Hurricane Dorian.

Posted: Sep 4, 2019 4:51 PM

Posted By: WKTV

NEW YORK -- State officials are urging New Yorkers to conduct thorough research before making donations to relief organizations in the wake of Hurricane Dorian.

New York Attorney General Letitia James released a statement Wednesday that read, in part, "Today, and in the weeks and months to follow, it is imperative that we support all those who have been impacted, but I urge New Yorkers to be prudent when assessing what organizations to donate to. Sadly, bad actors too often take advantage of catastrophic events to scam generous individuals. New Yorkers and donors everywhere should direct their donations to organizations that they know and trust."

To make sure that your contributions go to legitimate relief organizations and directly to help victims, consider the following tips:

- **Check Before Giving:** Donate to charities you are familiar with and carefully review information about the charity before you give. Most charities are required to register and file financial reports with the Attorney General's Charities Bureau if they solicit contributions from New Yorkers. Check [charitiesnys.com](http://charitiesnys.com) financial reports of charities or ask the charity directly for its reports.
- **Ask How Your Donation Will Be Used:** Find out how the charity plans to use your donation, including the services and individuals your donation will support.
- **Be Wary of Newly-Formed Organizations:** Often, in the aftermath of tragedies, new organizations are formed with claims that they will assist victims. While some of those organizations may be doing just that, others turn out to be scams. Before making a contribution to a new organization, find out who is running it and how it plans to use donations.
- **Be Careful When Giving Through Social Media:** As after other tragedies, social media sites may be used to raise money for victims of Dorian. Before giving through these sites, check out who is behind the fundraising efforts and ask the same questions you would of a charity.
- **Exercise Caution Before You Text A Contribution:** Check the charity's website or call the charity to confirm it has authorized contributions to be made via text message.
- **Don't Give Cash.** Give directly to the charity either by check made payable to the organization or through the charity's website.
- **Be Careful About Personal Information:** Avoid giving credit card or personal information over the phone or by text



message. In all cases, make sure you are familiar with the organization to which you give such information and check to see that the fundraising campaign is legitimate.

- Report Suspicious Organizations: If you believe an organization is misrepresenting its work, or that a scam is taking place, please contact the Charities Bureau at [complaints@ag.ny.gov](mailto:complaints@ag.ny.gov).

<https://www.wktv.com/content/news/Beware-scammers-looking-to-profit-from-Hurricane-Dorian-relief-559393541.html>  
**Sprint/T-Mobile**

International Business Times: Illinois Jumps On Bandwagon To Block T-Mobile And Sprint's Merger

By [Evan Niu](#)

09/04/19 AT 6:20 AM

ver the summer, numerous state attorneys general joined forces to file a lawsuit seeking to block T-Mobile's (NASDAQ:TMUS) proposed megamerger with smaller rival Sprint (NYSE:S), a \$26 billion deal that would reshape the U.S. wireless industry, a favorite among dividend investors. Additional states promptly piled on, with more joining the effort opposing the deal in the months since. The states argue that the merger would hurt competition and eventually lead to higher prices for consumers.

Illinois has now jumped on the bandwagon, too.

Over half of the U.S. population is represented

New York Attorney General Letitia James announced the latest addition this morning, noting that Illinois Attorney General Kwame Raoul will become the 17th state prosecutor to join the suit. That means a full third of state attorneys general in the U.S. (when including the District of Columbia), which James notes represent over half of the U.S. population, are now attempting to block the deal.

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The attorneys general now included in the lawsuit represent California, Colorado, Connecticut, Hawaii, Illinois, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Nevada, New York, Oregon, Texas, Virginia, Wisconsin, and the District of Columbia.

"This merger would significantly decrease competition for mobile wireless telecommunications services in Illinois and across the country," Raoul said in a statement. "With fewer companies competing, customers would face fewer choices, higher prices, less innovation and lower quality service." The prosecutors note that Illinois includes the third-most-populous city in the U.S. (Chicago) and is an important hub for the industrial, agricultural, and transportation sectors, which makes it "highly susceptible" to competitive harm.

So much for closing in 2019

T-Mobile and Sprint scored merger approval from the Department of Justice in late July, a settlement that required the combined company to spin off certain prepaid subsidiaries in addition to wireless spectrum.

#### T-Mobile

In this representational image, the T-Mobile logo is displayed outside of a T-Mobile store in San Francisco, April 24, 2017. Photo: Justin Sullivan/Getty Images

The idea is to enable a new fourth wireless carrier -- DISH Network -- to be created in order to preserve competition, although critics such as the attorneys general question the viability of the proposal since DISH has no meaningful experience in deploying a cellular network nationally. It's worth noting that five of the states that are currently still part of the lawsuit (Nebraska, Kansas, Ohio, Oklahoma, and South Dakota) have signed on to the proposed settlement. FOIL G000636-091119 000328

The states won a delay last month that pushed the trial to Dec. 9, with the attorneys general arguing they needed more time to investigate. T-Mobile had previously hoped to secure all of the necessary approvals in order to close the deal by the year's end, but that timeline now seems unlikely.

"We believe the plaintiffs' claims are without merit, and we intend to defend the lawsuit vigorously," T-Mobile wrote in its most recent 10-Q.

<https://www.ibtimes.com/illinois-jumps-bandwagon-block-t-mobile-sprints-merger-2821802>

## NATIONAL

NY Times: Judge Rules Terrorism Watchlist Violates Constitutional Rights

By [Charlie Savage](#)

• Sept. 4, 2019 Updated 9:59 p.m. ET

WASHINGTON — A federal judge ruled on Wednesday that a federal government database that compiles people deemed to be “known or suspected terrorists” violates the rights of American citizens who are on the watchlist, calling into question the constitutionality of a major tool the F.B.I. and the Department of Homeland Security use for screening potential terrorism suspects. Being on the watchlist can restrict people from traveling or entering the country, subject them to greater scrutiny at airports and by the police, and deny them government benefits and contracts. In a 32-page opinion, Judge Anthony J. Trenga of United States District Court for the Eastern District of Virginia said the standard for inclusion in the database was too vague.

“The court concludes that the risk of erroneous deprivation of plaintiffs travel-related and reputational liberty interests is high, and the currently existing procedural safeguards are not sufficient to address that risk,” Judge Trenga wrote.

[\[Read the ruling.\]](#)

As of 2017, about 1.2 million people were on the watchlist, which is maintained by the F.B.I.’s Terrorist Screening Center. Although a vast majority of them were foreigners abroad, about 4,600 were American citizens who are protected by the Constitution.

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Among them, a group of 19 Americans, represented by the Council on American-Islamic Relations, filed the lawsuit charging that their inclusion violated their due process rights. Recounting tales of being detained and harassed when trying to enter the country, they argued that they did not receive notice of why they were being put on the list or an opportunity to contest derogatory claims. The judge agreed that the current procedures were inadequate to protect their rights, granting the plaintiffs summary judgment. But he stopped short of saying what should happen next, asking the Justice Department and the lawyers for the plaintiffs to submit briefings on the difficult question of “what kind of remedy can be fashioned to adequately protect a citizen’s constitutional rights while not unduly compromising public safety or national security.”

The Council on American-Islamic Relations hailed the ruling as a “complete victory.” In a statement, Nihad Awad, its executive director, said the group’s “legal team has finally brought an end to the secretive watchlist, which is effectively a Muslim registry created in the wake of the widespread Islamophobia of the early 2000s.”

The Justice Department did not immediately respond to a request for comment. But in court, government lawyers had argued that the case should instead be dismissed. Among other things, Justice Department lawyers argued that the plaintiffs lacked standing to bring the case, and they urged Judge Trenga to defer to the executive branch’s decisions because combating terrorism was a national security matter.

The government’s use of terrorism watchlists has grown enormously since the Sept. 11, 2001, attacks, and over time, the practice — and the opaque standards and rationales by which people’s names are added to such databases — has come under harsh scrutiny by civil libertarians.

The present case involves a broad watchlist, called the Terrorist Screening Database. It is maintained by the F.B.I., but other agencies can nominate people for inclusion in the database based on intelligence that may never be shared with them. A subset of the people on the watchlist are also put on the more restrictive No Fly List, which bars them from boarding planes in the United States or flying through American airspace. In 2014, a [federal judge in Oregon](#) ruled that the government’s use of the No Fly List to bar Americans from boarding plans was unconstitutional, requiring the Department of Homeland Security overhauled its Traveler Redress Inquiry Program procedures.

Later that same year, Judge Trenga [struck down a use of the No Fly List](#) to keep a particular American, Gulet Mohamed, from boarding a flight home, effectively exiling him. The judge’s ruling about the broader watchlist on Wednesday built on his earlier opinion, which he quoted from extensively.

Judge Trenga noted that most of the plaintiffs in the current case did not claim to be on the more restrictive No Fly List, but said



their inclusion on the broader Terrorist Screening Database — which he referred to by the initials TSDB — raised similar issues because of the burden of going through the delays and humiliations of enhanced screenings that led some plaintiffs to avoid traveling.

“While inclusion in the TSDB does not constitute a total ban on international travel in the same way that inclusion on the No Fly List does,” he wrote, “the wide-ranging consequences of an individual’s watchlist status render it more closely analogous to the No Fly List than to the types of regulations that courts have found to be reasonable regulations that still facilitated access and use of means of travel.”

He also noted that the terrorism watchlist was used for screening government contractors and was shared with state and local law enforcement agencies, which increases their risk of “being surrounded by police, handcuffed in front of their families and detained for many hours.”

[Files released by the F.B.I.](#) in 2011 under the Freedom of Information Act showed that the F.B.I. was permitted to [include people on the watchlist](#) even if they had been acquitted of terrorism-related offenses or the charges are dropped.

Judge Trenga was appointed in 2008 by President George W. Bush.

<https://www.nytimes.com/2019/09/04/us/politics/terrorism-watchlist-constitution.html>

NY Times: Gregory Craig Acquitted on Charge of Lying to Justice Department

By [Sharon LaFraniere](#)

• Sept. 4, 2019 Updated 7:56 p.m. ET

WASHINGTON — Gregory B. Craig, one of Washington’s most prominent Democratic lawyers, was acquitted on Wednesday of a felony charge that he lied to federal authorities about work he did seven years ago for the Ukrainian government.

The jury returned the verdict after fewer than five hours of deliberation. It was a blow to the Justice Department’s effort to more aggressively crack down on undisclosed foreign influence in Washington as well as a vindication of Mr. Craig’s high-risk decision to face a jury and testify in his own defense.

The case filings [exposed in detail](#) how a foreign government was able to harness Washington’s industry of lawyers, lobbyists and public relations experts, an unflattering portrait that included at least \$4 million in secret offshore bank transfers from a Ukrainian oligarch to Mr. Craig’s law firm.

But Mr. Craig’s [guilt](#) or [innocence](#) turned solely on the question of whether he deliberately misled Justice Department officials who were investigating whether he should register as a foreign agent.

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The case was viewed as a test of the Justice Department’s new campaign to enforce a once-obscure foreign lobbying law. Until about two years ago, violators of the statute, known as the Foreign Agents Registration Act, or FARA, typically received only an administrative slap on the wrist.

While Mr. Craig, 74, who served as White House counsel in the first year of the Obama administration, was not accused of violating FARA, he was accused of deceiving the officials who enforce it in an effort to avoid registering as a foreign agent.

His was one of a series of foreign lobbying-related prosecutions that sprang from [Robert S. Mueller III’s nearly two-year investigation](#) of Russian interference in the 2016 presidential race. Underscoring how the eagerness to take lucrative business from foreign interests crosses party lines, the work Mr. Craig did for Ukraine was steered to him by Paul Manafort, the longtime Republican strategist who worked closely with the Ukrainian government at the time and went on to become a key figure in the Mueller investigation.

The Justice Department’s focus on foreign influence cases has contributed to a wave of disclosures by lobbyists and lawyers. The number of people who have newly registered as foreign agents so far this year is more than twice the number of new registrants in all of 2010.

But some defense lawyers predicted Mr. Craig’s quick acquittal after a three-week trial could dampen the Justice Department’s enthusiasm for similar cases.

### **Editors’ Picks**

Federal prosecutors in New York have been scrutinizing the actions of at least two other well-known lobbyists who worked with Mr. Manafort on Ukraine’s behalf: Vin Weber, a former Republican congressman, and Tony Podesta, the brother of John D. Podesta, who led Hillary Clinton’s 2016 presidential campaign. It is unclear where those inquiries stand and whether Mr. Craig’s acquittal might affect decisions by the prosecutors about how to proceed.

In Mr. Craig’s case, jurors weighed his reputation as an illustrious Washington lawyer who had served two Democratic presidents against a series of electronic communications that suggested he had shaded the truth in two letters and a meeting with Justice Department officials in 2013.

At that time, department officials were investigating whether Mr. Craig and his law firm had participated in a public relations campaign to help the Ukrainian government burnish its reputation. Public relations work would have prompted a requirement that

Mr. Craig register as foreign agent.

His prosecution hinged in particular on whether he had deceived department officials by failing to disclose that he had provided a New York Times reporter with an advance copy of a report that his law firm had produced for the Ukrainian government. The reporter, David E. Sanger, and a colleague [wrote an article](#) after interviewing Mr. Craig.

William W. Taylor III, one of Mr. Craig's lawyers, said that overzealous prosecutors had "hounded" his client "without any evidence and without any purpose." He said that the Justice Department's national security division pressed for Mr. Craig's indictment even after federal prosecutors in New York decided the evidence did not warrant it. Before the trial started, [the judge threw out](#) one of the two counts against Mr. Craig.

"The question that you need to ask is not why this jury acquitted Mr. Craig, but why the Department of Justice brought this case against an innocent man in the first place," Mr. Taylor said. "It's a tragedy, it's a disgrace and we are glad it is over."

Mr. Craig, smiling broadly outside the courthouse, thanked the jurors, his family, his friends and his lawyers.

One juror, Michael G. Meyer, said that while some jurors were "very disturbed" by Mr. Craig's conduct, "the law was presented to us in a very narrow fashion" that ruled out conviction.

Because the statute of limitations had run out to hold Mr. Craig accountable for any actions before October 2013, jurors were limited to considering whether he deceived federal officials during the three-month period that followed. Mr. Meyer said that four jurors switched their votes from guilty to not guilty after the panel sent a note to the judge to verify the limited time frame.

"Based on that very narrow thing, we couldn't find anything he had done that warranted finding him guilty," he said. Mr. Meyer added that Mr. Craig, in testifying in his own defense, came across as "very credible."

Mr. Craig's defense team insisted that prosecutors had concocted a charge out of a few minor omissions of facts that Mr. Craig was never under any obligation to reveal. "Mr. Craig is not the kind of person who would lie to a U.S. government agency, not after a 50-year career based on character and trust," another of his lawyers, William Murphy, told the jurors.

Prosecutors said Mr. Craig gave in to hubris and self-interest, hiding the truth of his media contacts, not only from the Justice Department, but from his own firm's general counsel. Fernando Campoamor-Sanchez, one of the prosecutors, described Mr. Craig's final letter on the matter to the Justice Department as a "masterpiece" of lies and half-truths.

"If you read the letter," he argued, "you will find contempt for the FARA unit."

The FARA unit's inquiry concerned a 2012 report that Mr. Craig and his law firm — Skadden, Arps, Slate, Meagher and Flom — produced for the Ukrainian government, then led by Viktor F. Yanukovych. Mr. Craig and his fellow lawyers were hired to review Ukraine's prosecution of an opposition leader who had recently been sentenced to seven years in prison on corruption charges — a case that the United States and other Western nations had condemned as politically motivated. Mr. Yanukovych and his allies hoped the Skadden report would blunt criticism of the prosecution from the West.

The report, which earned the law firm \$4.6 million, concluded that while the opposition leader's rights had been violated at trial, her conviction was backed by evidence.

Prosecutors claimed that Mr. Craig concealed his role in helping Ukraine promote the report because registering as a foreign agent would have limited his prospects for further government service and damaged his reputation. They argued that he deliberately lied when he told Justice Department officials that he had responded to inquiries from reporters only to correct already published mischaracterizations of the report.

In fact, he had contacted Mr. Sanger, offering him an advance copy of the report and an interview about its findings two days before its publication.

But Mr. Craig's lawyers described those complaints as niggling. They pointed out that federal officials kept no notes of a meeting during which Mr. Craig supposedly lied to them. They dismissed Rick Gates, one prosecution witness, as a "congenital liar" and described another key witness as a liar by trade.

And they questioned why, if the entire case rested on Mr. Craig's interactions with Mr. Sanger, prosecutors never called the reporter to testify. The New York Times was expected to fight to quash any subpoena, as a matter of principle.

Another key witness was also missing: Prosecutors ruled out testimony from Mr. Manafort, who as a consultant to Mr. Yanukovych had commissioned Skadden's report. Mr. Manafort, who later served as President Trump's 2016 campaign chairman, is now [serving a seven and a half year prison term](#) for fraud and other crimes, including trying to persuade witnesses against him to lie.

Mr. Meyer, the juror, said he was "deeply offended" by Mr. Craig's indictment, given the breadth of other misconduct that was investigated by Mr. Mueller's office. Although it did not initiate the case, it referred the allegations against Mr. Craig to other federal prosecutors.

"I could not understand why so many resources of the government were put into this when in fact actually the republic itself is at risk," said Mr. Meyer, a specialist with a government consulting firm.

"This was a gnat," he said. "How did this get to the front of the line?"

<https://www.nytimes.com/2019/09/04/us/politics/gregory-craig-acquitted.html>

## Albany Times Union: New York bill would ban 24-hour workdays for home health aides

Aides say they are being forced to work through mandatory meal and sleep breaks

By Bethany Bump Updated 6:37 pm EDT, Wednesday, September 4, 2019

NEW YORK — A pair of downstate lawmakers [introduced legislation Wednesday](#) that would ban 24-hour workdays and bolster working conditions for home health aides and other workers who provide care to the elderly, ill and disabled at home.

The legislation, sponsored by state Sen. Roxanne Persaud and Assemblyman Harvey Epstein, comes more than six months after New York's highest court [upheld a state Department of Labor regulation](#) that allows home health care workers to get paid for only 13 hours of a 24-hour shift, so long as they are afforded an eight-hour sleep break and three hours of meal breaks.

But home health care aides say they are forced to work through those breaks, and that the state's so-called "13 Hour Rule" has allowed their employers to get away with not paying them for every hour worked.

The bill introduced Wednesday would ban the 24-hour workday and require employers to implement split shifts of no more than 12 hours for patients who require around-the-clock home care.

It also prohibits employers from punishing workers who refuse to work overtime, and allows them to bring civil action against any employer who violates this right.

The bill has been framed as a win for both workers and patients.

"When home care workers are too fatigued or become chronically ill from lack of proper rest and sleep, care recipients — those approved for 24-hour care and among the neediest of clients — are less likely to receive proper treatment and safe care," the bill justification text reads.

The Home Care Association of New York State, which represents employers and industry interests, suggested Wednesday that the bill's requirements could be difficult to implement since the majority of home care workers are paid through Medicaid, a state-funded program.

"As a result, the state's Medicaid expenditures for home care worker wage liabilities would have to increase many-fold to cover any new cost obligations that this bill would cause at a time when the state is otherwise looking to constrain Medicaid spending," HCA spokesman Roger Noyes said.

A media advisory about the bill states that there are currently 239,500 home care workers in New York, many of them women and immigrants. Approximately 8 percent of them work 24 hours a day, multiple days in a row, it states.

"With the growing population of those who need home care, this number is likely to grow," it reads.

This bill encompasses workers whose titles are home care aide, home health aide, personal care aide, personal care attendant or home attendant, and other licensed or unlicensed individuals whose primary responsibility includes providing in-home help with activities of daily living.

<https://www.timesunion.com/news/article/New-York-bill-would-ban-24-hour-workdays-for-home-14414119.php>

## Albany Times Union: Push to change state law hindering rape prosecutions

New legislation addresses consent

By David Lombardo Updated 5:47 pm EDT, Wednesday, September 4, 2019

ALBANY — New York laws could be enabling rapists to avoid prosecution in cases where their victims are intoxicated or under the influence of drugs, according to the state's district attorneys.

The loophole stems from the state's definition of who can't give consent for a sexual act, which doesn't cover someone who is impaired — but remains conscious — due to voluntary intoxication. The law protects victims who are rendered unconscious due to intoxication or become impaired as a result of substances administered without their consent.

Because of the omission, a defendant can claim a victim consented to sexual activity even though they weren't thinking clearly.

"Perpetrators of sexual assault should not be shielded from prosecution just because the victim voluntarily consumed drugs or alcohol," reads a memorandum prepared for state lawmakers by the District Attorneys Association of New York State.

The group wants state law amended so prosecutors can bring charges in instances where a reasonable person should have known that a person was unable to give consent due to the influence of alcohol or drugs.

Schenectady County District Attorney Bob Carney, a Democrat, said that type of situation often presents itself on college campuses. He said the laws governing consent should be updated, but warned that changes could be "tricky" and need to be approached carefully.

"It's a difficult line between consent and lack of consent when alcohol is involved," Carney said.

Sen. Alessandra Biaggi, a Westchester County Democrat, believes she found the right balance with legislation that expands the penal code's definition of "mentally incapacitated" to include a person who is voluntarily intoxicated.

The proposal would also amend state law to specifically state that a victim's voluntary intoxication can't be used as a defense in sex crime cases.

Biaggi introduced the legislation after the issue was raised in an [investigative report that highlighted Manhattan District Attorney Cy Vance's concerns about the way state law is written](#).

"It was really surprising to me that I didn't know about this," said Biaggi, who has championed similar issues during her brief tenure

at the Capitol.

When she began reading the law that was on the books, the lack of female pronouns caught her attention. "An alarm bell goes off that this has to be updated," she said.

She added that the gap in the existing law allows for "victim blaming," and contends that amending the language is part of a cultural shift that needs to be embraced.

"My hope is that we'll see more abusers brought to justice," Biaggi said.

State district attorneys also want to update the definition of consent for passengers in ride-sharing vehicles, like Uber and Lyft, or taxis. They propose making it illegal for drivers of for-hire vehicles to have sex with their passengers.

"The vehicles should be safe havens for the passengers – not settings in which their vulnerable states can be exploited for the sexual gratification of drivers," reads the memorandum from DAASNY.

The organization says that type of protection is similar to the way consent is considered for doctors and patients or prison officials and people in their custody.

"This bill would similarly bring reason to solving a growing public safety threat," reads the memo.

<https://www.timesunion.com/news/article/Push-to-change-state-law-hindering-rape-14413085.php>

Associated Press: Inmates suing NY prison system for taking pain pills away

By Associated PressSeptember 4, 2019

ALBANY, N.Y. — A group of inmates is suing the New York state prison system over its efforts to crack down on prescription drug abuse, saying they are being forced to live with chronic pain because some medications have become too difficult to get behind bars.

The lawsuit, filed in federal court Monday, takes aim at a policy launched in 2017 that requires an extra layer of approval by senior prison system medical staff before inmates can get prescriptions filled for commonly abused and overused drugs.

In reality, those approvals are rarely given, the lawsuit said, leading to hundreds of prisoners being cut off from drugs used for legitimate medical reasons.

"The wholesale denial of these medications especially effects an already vulnerable population: one that includes patients with severe spinal and neurological issues, phantom pain from amputations, multiple sclerosis and serious, chronic pain," the lawsuit said.

The Department of Corrections and Community Supervision declined a request for an interview with officials who could discuss the medication policy in detail, but spokesman Thomas Mailey said in a statement that the agency is "committed to battling the opioid epidemic and stemming the tide of addiction which has greatly affected incarcerated individuals in the Department's custody." Eighteen prisoners are listed as plaintiffs in the suit. Many complained about restricted access to two drugs, the opioid painkiller tramadol, sold under the brand name Ultram, and the nerve pain and anti-convulsant medication gabapentin, sold under the brand name Neurontin.

Gabapentin isn't a controlled substance on the federal level, but a growing number of states have taken steps to more closely monitor its use because of evidence it is being used by huge numbers of opioid addicts to make their high more potent.

It is increasingly being discovered in the blood of people who have fatally overdosed on opioids. Simultaneously, it has become one of the most commonly prescribed drugs in the U.S.

Health officials in several countries have also documented widespread abuse of gabapentin in jails.

The New York lawsuit includes several prisoners who say they need the drug and other painkillers for legitimate reasons

The suit said one of them, Angel Hernandez, 57, had been taking Ultram and Neurontin for years to control pain, numbness and a burning sensation from a degenerative spine problem and other ailments but was cut off from both drugs in 2017.

His "medical records are full of his complaints of severe and unmitigated pain and suffering. Nothing was done," the lawsuit said.

Another plaintiff in the suit, Wayne Stewart, 40, said he had chronic pain after injuries from a shooting in 2003 that left five bullets lodged in his body, including his head and the base of his spine. The gunshot wounds left him paralyzed from the waist down. He has also suffered from a pelvic bone infection.

The suit said Stewart's prescription for extended-release morphine was discontinued in favor of a far less potent dose of Percocet, which contains the opioid oxycodone. Then the Percocet prescription was also discontinued without cause.

"To this day, Mr. Stewart continues to live with chronic, untreated pain," the lawsuit said.

Pain management in prisons and jails is complicated due to concerns of prescription diversion and misuse, said Lipi Roy, a clinical assistant professor at NYU Langone.

Roy described pain as a complex problem with many causes such as injury and emotional trauma, something that makes it difficult to manage and diagnose. She said doctors can use vital signs, a patient's history and other tools to diagnose pain, but she also noted that health care professionals learn little about pain management during their training.

<https://nypost.com/2019/09/04/inmates-suing-ny-prison-system-for-taking-pain-pills-away/>



By MICHAEL ELSEN-ROONEY

NEW YORK DAILY NEWS |

SEP 04, 2019 | 6:19 PM

Critics of a recommendation to overhaul the city's Gifted and Talented program hardened their opposition Wednesday, and Mayor de Blasio promised a thorough review of the proposal.

Six city council members rallied from the steps of city hall urging the mayor to expand the elementary school fast track, rather than replace the classes with the non-selective, schoolwide enrichment programs the panel called for.

"I have been fighting for years to expand this program, particularly to underserved communities, and I am not going to let that progress be rolled back," said City Council Member Robert Cornegy (D-Brooklyn), who organized the rally.

The Gifted and Talented program, which admits students through a single test taken at age 4 and lasts through fifth grade, has come under fire for enrolling a tiny share of black and Latino students.

Hizzonner promised to give the proposal, which also includes overhauling the middle school admissions process, careful consideration this school year after talking with parents, teachers and experts.

"This is a very, big complicated discussion that we need to do systematically in this city and involve stakeholders from all over the city, starting with parents," de Blasio said.

Critics of the city's current program point out few districts test kids at age four. De Blasio said criticisms of the test are a "fair concern."

City Council Member Peter Koo (D-Queens), who supports keeping the test as is, said "blaming G&T programs for a lack of diversity when this kind of disparity exists across the city is disingenuous."

Calls from city leaders including Brooklyn Borough President Eric Adams and Bronx Borough President Ruben Diaz Jr. to expand gifted testing also got a boost from state politicians. Assemblywoman Nily Rozic (D-Queens) and State Senator Ann Stavisky (D-Queens) have a bill in front of the state legislature that would require districts to screen students for advanced programs in third grade.

<https://www.nydailynews.com/new-york/education/ny-gifted-de-blasio-schools-20190904-kfnxvcqprif7pajupgummaof7m-story.html>

NY Post: New school year opens with controversies and questions

By Selim Algar September 4, 2019

With the Department of Education agitating for fundamental changes at the nation's largest school system, more than 1 million kids and their parents will enter a new academic school year Thursday loaded with questions and controversies.

Overtly making "equity" his central mission, Schools Chancellor Richard Carranza has pushed for a series of polarizing changes to undo stark racial separation in city classrooms.

While a plan to remake admissions to the specialized schools stalled, [Carranza has vowed to press on](#) with the fight to junk the single-test entry system. Asian parent groups — whose kids predominate the elite schools — are preparing for another battle over the plan this academic year.

Several city districts — including Park Slope's District 15 — will continue to phase in diversity programs this year, including the abolition of academic screening at middle schools. Parents are preparing for the various impacts of those changes — with some predicting eventual departures should traditionally high-achieving schools see their metrics decline. While the District 15 plan enjoys wide support, detractors have questioned the pace and rollout of the new measures.

City charter schools are at a crossroads entering the 2019-2020 school year. While demand remains at an all-time high, a [stifling state seat cap](#) has halted expansion outright. Mayor Bill de Blasio has become increasingly outspoken in opposing the sector's enlargement, and Success Academy is already girding for another space battle with City Hall in the coming weeks. Charter officials fear a further loss of momentum and worry about an increasingly overt hostility toward school choice among leading Democrats at the national level.

The DOE will introduce a new set of disciplinary policies this year to further decrease suspensions and arrests in city schools. The new rules prohibit lengthy suspensions and urge teachers to favor less punitive measures when dealing with misbehaving students. Backers cite racially disproportionate suspensions in pushing for the changes while critics argue that school safety and classroom order are suffering. The DOE has touted dropping school crime numbers — but [weapons confiscations hit multi-year highs](#) last year.

Special education parents [mounted a revolt last year](#), accusing the DOE of illegally failing to suitably accommodate and educate their children. The DOE has paid out millions in legal settlements and pressure has mounted to stem those payouts — and growing parental outrage. Legions of parents decried a disastrous school transportation debacle at the beginning of last year that saw countless city kids — many of them special education students — stranded on buses or left waiting for vehicles that never arrived. There will be intense pressure on the DOE to improve on that performance this year.

After spending \$800 million on a Renewal school initiative that [wheezed to an unsightly end](#) earlier this year, critics will be

monitoring the fate of former participants this upcoming year. City Hall conceded that some schools in the program will be shuttered, but vowed to continue support for others. But details have been scant and the schools will be under a microscope. <https://nypost.com/2019/09/04/new-school-year-opens-with-controversies-and-questions/>

NY Times: 4 Jails in 5 Boroughs: The \$8.7 Billion Puzzle Over How to Close Rikers

By [Matthew Haag](#)

• Sept. 4, 2019 Updated 7:17 p.m. ET

Everyone from the governor to the mayor to criminal justice advocates agree that the Rikers Island jail complex, one of the country's largest urban prisons, is irretrievably broken, with a long history of [violence and abuse against a largely minority inmate population](#).

But while elected leaders in New York have pledged to close Rikers, a plan embraced by Mayor Bill de Blasio to replace the jail has set off fervent opposition as it enters a critical phase.

The plan calls for shuttering Rikers and moving inmates to four smaller jails in neighborhoods across the city.

But a major sticking point has emerged over the potential size of the Brooklyn jail, which would be among the borough's tallest buildings, and the location of the Bronx facility, which would be far from the courthouse.

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Some criminal justice advocates have gone so far as to oppose any new replacement jails, arguing that they would perpetuate widespread incarceration without addressing the underlying factors that cause people to be arrested and jailed.

"Why are we going to allow mass incarceration that we know is connected to slavery and racism and white supremacy to thrive in New York City by building new jails?" asked Brittany Williams, 30, a community organizer who is part of a group called No New Jails NYC. "The city has failed for decades to hold themselves accountable for how people are being treated once they are incarcerated."

For the first time, the City Council will get a chance on Thursday to formally weigh in on the proposal, which would create jails of similar size in four of the city's five boroughs.

The hearing, which will be held by members of a land-use subcommittee, could be one of the last public forums before the Council decides its fate in mid-October.

Despite opposition over the location of some of the new jails, the overall plan has won the support of several key Council members [whose districts will host](#) the new sites. The new jail system is expected to cost around \$8.7 billion and take up to a decade to complete.

The City Council speaker, Corey Johnson, whose position could determine the outcome, has not publicly revealed his view of the plan.

"There is a broad consensus in New York City that we need to close Rikers," said Jennifer Fermino, a spokeswoman for Mr. Johnson. "But we also need to make sure that the proposals for borough-based jails serve our communities. We are reviewing all of the feedback we have received and look forward to continuing to hear from the public."

The latest effort to close Rikers has been in the works for years, [following promises by Mr. de Blasio](#) to reduce the inmate population and to create a smaller and more humane jail system as part of a broader effort to transform the city's criminal justice system.

The plan cleared a major hurdle on Tuesday, when a majority of the city's Planning Commission approved the necessary zoning changes to allow for the new facilities.

"The era of mass incarceration didn't begin in New York City — but it will END here," [Mr. de Blasio wrote on Twitter](#) after the vote on Tuesday.

While the closing of Rikers appears closer to reality than ever before, the proposal has recently encountered [the same kind of grass-roots opposition](#) that doomed past efforts.

In the days before the Planning Commission's vote, some neighborhood groups began mobilizing its members to encourage the City Council to rewrite the final plan.

Over the decades, Rikers Island, a sprawling network of jails on 400 acres on the East River, came to symbolize the country's practice of mass incarceration and a criminal justice system that critics say is biased against African-Americans and Hispanics.

It gained a notorious reputation for squalid conditions, rival gang wars and brutal force against inmates by correction officers. The officers themselves have long complained of [unsafe conditions](#) that have exposed them to attacks.

At its peak, in 1991, Rikers housed an average of more than 21,000 people nightly, during the height of the city's crack epidemic. The population has dropped to historic lows — 7,290 inmates in July — with the [decrease in crime in the city](#) and changes in how quickly cases can be adjudicated.

The improved conditions at Rikers, city leaders have argued, make it an ideal time to overhaul the city's jail system.

The plan that the City Council will review on Thursday would establish four jails — one each in the Bronx, Brooklyn, Manhattan and

Queens. Staten Island would not have a jail because residents there have over the years represented a tiny percentage of inmates at Rikers, a city report said.

Each jail would have the same number of beds, 1,437, and provide services for inmates who require medical and mental health treatment. A significant part of the project, however, remains up the air: what the new jails might look like.

The city has released rudimentary sketches of the sites, as well as possible dimensions, but the facilities have not been fully designed. What the city has made public shows that the jails could be significantly larger than the properties they would replace. The jail in Brooklyn, which would replace the existing Brooklyn Detention Complex in Downtown Brooklyn, could climb to 395 feet. The existing detention center is about 220-feet tall.

In Manhattan, a jail that could be 450-feet tall would replace the much smaller Manhattan Detention Complex on White Street. The jail in Queens, which could be 270-feet tall, would sit on the property currently housed by the decommissioned Queens Detention Complex on 82nd Avenue.

The setup would fix a chief complaint of Rikers — that the island is so isolated that it is challenging for family and legal representatives to visit inmates and for corrections staff members to get to work. The new facilities, except for the one in the Bronx, would also be within a few hundred feet of courthouses.

The location of the Bronx site, on city-owned property that has been a New York Police Department tow pound, has become a flash point. The site is two miles from the Bronx Criminal Court.

“The administration has weaponized the land use process against the Bronx in order to protect their plans to build a new jail on the wrong site,” the Bronx borough president, Ruben Diaz Jr., said in a statement after the Planning Commission’s vote.

The city considered locating the Bronx jail on property near the courthouse, but [the site was opposed by the City Council member](#) who represents the area. Councilwoman Diana Ayala, who represents the area with the tow pound, [supports the jail center](#).

<https://www.nytimes.com/2019/09/04/nyregion/rikers-island-jail-closing.html>

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## **ATTORNEY GENERAL**

### **Google/Youtube**

NYT: Google Is Fined \$170 Million for Violating Children's Privacy on YouTube

CNN: Google and FTC reach \$170 million settlement over alleged YouTube violations of kids' privacy

CBS News: Google to pay \$170 million for violating kids' privacy on YouTube

amNY: NY to receive \$34M as Google is fined over YouTube child privacy concerns

Rochester Democrat and Chronicle: Google, YouTube to pay record fine over privacy protections for kids

CBS NY: Google, YouTube Fined \$170 Million For Violating Children's Privacy

Rollcall: Google agrees to record fine for violating children's privacy

Reuters: Google's YouTube to pay \$170 million penalty for collecting data on kids

NY Post: Google fined \$170M for YouTube's violation of child privacy laws

Patch: New York Gets \$34M From YouTube Privacy Settlement

Post Journal: YouTube, Google To Pay \$170M For Collecting Children's Personal Data Without Parents' Consent

Digital Trends: YouTube slapped with \$170 million fine for violating children's online privacy

NY Daily News: Google, YouTube hit with record-setting \$170 million fine for collecting personal information on users under the age of 13

CBS 880: YouTube To Pay \$170M Fine After Violating Kids' Privacy Law

Law.com: FTC Official Urges State Attorneys General to Sue Google Over Kids' Privacy Violations

Law.com: Google, YouTube to Pay \$170M in Child Privacy Settlement

Deadline: YouTube Agrees To Pay \$170M Fine For Children's Privacy Violations; FTC Says Settlement "Game Changing" For Online Platforms – Update

Fox News: YouTube to pay massive \$170M fine as it settles claims it violated children's privacy laws

### **Queens Cemetery Lawsuit**

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QNS: Trump clan final resting place is a mismanaged mess, State AG alleges

Ridgewood Post: Board Members of Non-Profit Cemetery Embezzled Thousands of Dollars

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NBC/CBS Utica: BEWARE SCAMMERS LOOKING TO PROFIT FROM HURRICANE DORIAN RELIEF

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NY Post: New school year opens with controversies and questions

NY Times: 4 Jails in 5 Boroughs: The \$8.7 Billion Puzzle Over How to Close Rikers

# ATTORNEY GENERAL

## Google/Youtube

NYT: Google Is Fined \$170 Million for Violating Children's Privacy on YouTube

By [Natasha Singer](#) and [Kate Conger](#)

- Sept. 4, 2019 Updated 7:01 p.m. ET

Google agreed on Wednesday to pay a record \$170 million fine and make changes to protect children's privacy on YouTube, as regulators said the video site had knowingly and illegally harvested personal information from children and used it to profit by targeting them with ads.

Critics denounced the agreement, dismissing the fine as paltry and the required changes as inadequate for protecting children's privacy.

The penalty and changes were part of a [settlement with the Federal Trade Commission](#) and [New York's attorney general](#), which had accused YouTube of violating the federal Children's Online Privacy Protection Act, or COPPA.

Regulators said that YouTube, which is owned by Google, had illegally gathered children's data — including identification codes used to track web browsing over time — without their parents' consent.

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The site also marketed itself to advertisers as a top destination for young children, even as it told some advertising firms that they did not have to comply with the children's privacy law because YouTube did not have viewers under 13. YouTube then made millions of dollars by using the information harvested from children to target them with ads, regulators said.

To settle the charges, YouTube agreed to the \$170 million penalty, with \$136 million going to the trade commission and \$34 million to New York State. It is the largest civil penalty ever obtained by the commission in a children's privacy case, dwarfing the previous record fine of [\\$5.7 million](#) against the owner of the social video-sharing app TikTok this year.

Under the settlement, which the F.T.C. approved in a 3-to-2 vote, YouTube also agreed to create a system that asks video channel owners to identify the children's content they post so that targeted ads are not placed in such videos. YouTube must also obtain consent from parents before collecting or sharing personal details like a child's name or photos, regulators said.

The move is the latest enforcement action taken by regulators in the United States against technology companies for violating users' privacy, indicating the Trump administration's willingness to aggressively pursue the powerful corporations. It follows a [\\$5 billion privacy settlement](#) between the trade commission and Facebook in July over how the company collected and handled user data.

### **Editors' Picks**

But critics of the settlement, including Senator Edward J. Markey, Democrat of Massachusetts, described the \$170 million penalty as a slap on the wrist for one of the world's richest companies.

### **Image**

Susan Wojcicki, YouTube's chief executive, said in a blog post on Wednesday that "nothing is more important than protecting kids and their privacy." Credit Peter Prato for The New York Times

"The F.T.C. let Google off the hook with a drop-in-the-bucket fine and a set of new requirements that fall well short of what is needed to turn YouTube into a safe and healthy place for kids," Mr. Markey said in a statement.

Children's advocates who lodged their own [privacy complaint against YouTube](#) with the F.T.C. last year said that Google had simply agreed to abide by a children's privacy law it was already obligated to comply with. COPPA prohibits operators of online services from collecting personal data, like home addresses, from children under 13 without a parent's verifiable permission.

"Merely requiring Google to follow the law, that's a meaningless sanction," said Jeffrey Chester, the executive director of the [Center for Digital Democracy, a nonprofit](#) group whose efforts in the 1990s helped lead to the passage of the children's privacy law. "It's the equivalent of a cop pulling somebody over for speeding at 110 miles an hour, and they get off with a warning."

The agreement split the trade commission along partisan lines, with the agency's three Republican commissioners voting to approve it and the two Democratic commissioners dissenting.

In a statement, two of the Republican commissioners, Joseph J. Simons, the agency's chairman, and Christine S. Wilson, said that the settlement "achieves a significant victory for the millions of parents whose children watch child-directed content on YouTube." They said it was the first time a platform would have to ask its content producers to identify themselves as creators of children's material.

The agreement, they added, "sends a strong message to children's content providers and to platforms about their obligation to comply with the COPPA rule."

Although the settlement prohibits YouTube and Google from using or sharing children's data they have already obtained, Rohit Chopra, a Democratic commissioner, said that it did not hold company executives personally accountable for illegal mining of children's data. The other Democratic commissioner, Rebecca Kelly Slaughter, said that the agreement did not go far enough by requiring YouTube itself to proactively identify children's videos on its platform.

"No individual accountability, insufficient remedies to address the company's financial incentives and a fine that still allows the company to profit from its lawbreaking," Mr. Chopra wrote in his dissent. "The terms of the settlement were not even significant enough to make Google issue a warning to its investors."

COPPA, the strongest federal consumer privacy statute in the United States, gives the trade commission the authority to level fines of up to \$42,530 for each violation.

Noah Phillips, a Republican member of the commission, argued that Congress should give the agency more guidance about how to levy fines.

In a blog post on Wednesday about the settlement, [YouTube's chief executive](#), Susan Wojcicki, said that "nothing is more important than protecting kids and their privacy." She added, "From its earliest days, YouTube has been a site for people over 13, but with a boom in family content and the rise of shared devices, the likelihood of children watching without supervision has increased."

Image

YouTube said it planned to promote YouTube Kids, its child-focused app, to shift parents away from letting their children use the main YouTube app for watching videos. Credit Andrew Harrer/Bloomberg

YouTube said that not only had it agreed to stop placing targeted ads on children's videos, it would also stop gathering personal data about anyone who watched such videos, even if the company believed that the viewer was an adult. The company also said it would eliminate features on children's videos, like comments and notifications, that involved the use of personal data.

In addition to relying on reports from video creators, Ms. Wojcicki said that YouTube planned to use artificial intelligence to try to identify content that targeted young audiences, like videos featuring children's toys, games or characters.

Under the settlement, YouTube must adopt the changes by early next year.

The privacy case against YouTube began in 2016 after the New York attorney general's office, which has been [active in enforcing the federal children's privacy law](#) in the state, notified the trade commission about apparent violations of the law on the site.

“Google and YouTube knowingly and illegally monitored, tracked and served targeted ads to young children just to keep advertising dollars rolling in,” Letitia James, New York’s attorney general, said in a statement on Wednesday. “These companies put children at risk and abused their power.”

Google has been forced to deal with privacy violations repeatedly in recent years. The company is subject to a [20-year federal consent order signed in 2011](#) for deceptive data-mining related to Buzz, a now-defunct social network. The order required Google to establish a comprehensive privacy program and prohibited it from misrepresenting how it handles personal data.

In 2012, Google [agreed to pay \\$22.5 million](#) to settle trade commission charges that it had violated the 2011 order by deceiving users of Apple’s Safari browser about its data-mining practices.

The company is also the subject of a lawsuit brought by Hector Balderas, New Mexico’s attorney general, over accusations that it violated children’s privacy. The suit says the company failed to ensure that children’s apps available through its Google Play store complied with the children’s privacy law. Google has asked that the case be dismissed.

The settlement on Wednesday is likely to have implications beyond YouTube. The changes required under the agreement could limit how much video makers earn on the platform because while they still make money on some kinds of ads on children’s videos, they no longer be able to profit from ads targeted at children.

To offset some of the expected losses, YouTube said it would funnel \$100 million to creators of children’s content over the next three years. It said it would also heavily promote YouTube Kids, its child-focused app, to shift parents away from using the main YouTube app when allowing their children to watch videos.

The crackdown on creators of children’s content could make it financially difficult to produce such videos, said Maureen Ohlhausen, a former acting chairwoman of the trade commission.

“There is a lot of free content available for children,” she said. “You want to be sure that you don’t kill the goose that lays the golden egg.”

<https://www.nytimes.com/2019/09/04/technology/google-youtube-fine-ftc.html>

CNN: Google and FTC reach \$170 million settlement over alleged YouTube violations of kids' privacy

Updated 12:13 PM ET, Wed September 4, 2019

Washington (CNN Business) - Google has agreed to pay a record \$170 million penalty to settle accusations that YouTube broke the law when it knowingly tracked and sold ads targeted to children, the Federal Trade Commission and the state of New York said Wednesday.

The settlement involves the largest-ever penalty under the Children's Online Privacy Protection Act, which YouTube allegedly violated by collecting user information from kids to fuel its behavioral advertising business. And it could affect the strategies of all creators of children's videos on YouTube, including large companies such as Mattel and Hasbro, according to federal officials.

The announcement marks the second time in two months that the FTC has slapped a big tech company with a major fine, after the commission announced a \$5 billion settlement with Facebook and its privacy

lapses in July. And it highlights the enormous power of digital advertising and personal data, the combination of which have made Google and Facebook two of the most dominant players in the marketing economy. Google's \$170 million payment reflects less than 1 percent of the company's quarterly advertising revenue.

"We know how important it is to provide children, families and family creators the best experience possible on YouTube and we are committed to getting it right," Google said in a blog post about the settlement.

Google also said in its blog post that it will use machine learning algorithms to proactively identify children's content on the platform and that beginning in four months, data collected from all children's content will be treated as though it were coming from a child viewer.

"This means that we will limit data collection and use on videos made for kids only to what is needed to support the operation of the service," Google said. "We will also stop serving personalized ads on this content entirely, and some features will no longer be available on this type of content, like comments and notifications."

Some critics, including a number of FTC commissioners, are saying the settlement with YouTube doesn't go far enough.

Under the FTC settlement, which also involves the office of New York Attorney General Letitia James, Google will pay \$136 million to the federal government and \$34 million to the state of New York. YouTube will also be forced to require makers of children's videos to declare whether their content is aimed at kids, a signal YouTube will use to suspend targeted advertising toward children.

"This obligation exceeds what any third party in the marketplace currently is required to do," said FTC Chairman Joseph Simons and Commissioner Christine Wilson in a joint statement. "It represents the first and only mandated requirement on a platform or third party to seek actual knowledge of whether content is child-directed."

For years, privacy advocates have complained that YouTube inappropriately targets children with advertising on its platform. The FTC, in its complaint, alleged that Google knew children were watching YouTube because it promised Mattel that it could help the company reach children as young as 6 years old on the platform.

In other examples, the FTC said, Google clearly knew it could face obligations in some circumstances under the children's privacy law, also known as COPPA, because it told one advertiser that no child under the age of 13 watched YouTube and so its content didn't need to comply with COPPA.

"Google and YouTube knowingly and illegally monitored, tracked, and served targeted ads to young children just to keep advertising dollars rolling in," said New York Attorney General Letitia James in a statement. "These companies put children at risk and abused their power, which is why we are imposing major reforms to their practices and making them pay one of the largest settlements for a privacy matter in U.S. history."

Wednesday's settlement, which must still be approved by a judge, marks a milestone for the roughly 20-year-old law, which prevents companies from using or sharing the personal data of kids under 13 without the consent of a parent.

FTC Commissioner Rebecca Slaughter said the settlement will likely encourage large businesses to make sure they comply with YouTube's new system for identifying children's videos.

"They will accurately predict that their risk of COPPA liability for deceitfully designating their content is high," Slaughter wrote in a statement.

But Slaughter added that the settlement doesn't contain a mechanism to ensure YouTube actually enforces its new rules for content creators, saying it amounts to a voluntary self-certification that could be easily gamed.

"The order does not require YouTube to police the channels that deceive by mis-designating their content, such as by requiring YouTube to put in place a technological backstop to identify undesignated child-directed content and turn off behavioral advertising," she said.

Slaughter was one of two FTC commissioners to vote against the settlement. The other, FTC Commissioner Rohit Chopra, said the agency failed to hold company executives personally accountable for the COPPA violation, and slapped Google with a fine that "still allows the company to profit from its lawbreaking."

The FTC voted 3-2 to approve the settlement, with both of the agency's Democrats dissenting.

Wednesday's announcement "repeats many of the same mistakes from the flawed Facebook settlement," Chopra added, which he also voted against, believing it was too weak.

In response, Simons and Wilson said the agency had to balance whether the settlement was a better deal than what the FTC could have gotten by taking Google to court, an uncertain venture.

"We choose not to gamble the protection of children now in hopes of hitting a jackpot in the future," they wrote.

Consumer groups said they were pleased the FTC was working to hold YouTube to account, but worried that the penalties were insufficient.

"A paltry financial penalty of \$170 million — from a company that earned nearly \$137 billion in 2018 alone — sends a signal that if you are a politically powerful corporation, you do not have to fear any serious financial consequences when you break the law," said Jeff Chester, executive director of the Center for Digital Democracy, one of nearly two dozen groups who filed a complaint about YouTube to the FTC last April.

YouTube has repeatedly grappled with how to handle controversial content aimed at children. In response to mounting complaints about videos that show children violent, disturbing or conspiratorial images, YouTube began considering changes to children's videos such as preventing one video from automatically advancing to the next.

Meanwhile, the FTC has announced it is conducting a periodic review of its rules under COPPA to ensure it is effectively protecting children.

[http://m.cnn.com/en/article/h\\_8f928965c9da1c06d2fde9460fa61e4c](http://m.cnn.com/en/article/h_8f928965c9da1c06d2fde9460fa61e4c)

CBS News: Google to pay \$170 million for violating kids' privacy on YouTube

BY SARAH MIN



UPDATED ON: SEPTEMBER 4, 2019

Google will pay a record \$170 million fine to settle a [lawsuit](#) filed by federal and state authorities that charged the internet giant with violating children's privacy on YouTube, the Federal Trade Commission (FTC) said Wednesday.

The settlement requires Google and YouTube to pay \$136 million to the FTC and \$34 million to New York state for violating the Children's Online Privacy Protection Act, or COPPA, by collecting personal information from children without their parents' consent.

The FTC and the New York attorney general alleged in a complaint that YouTube gathered children's personal information by using "cookies," or personal identifiers, that track users online. According to the suit, YouTube earned millions of dollars by using the information to deliver targeted ads to kids.

COPPA requires online websites to obtain parental consent prior to collecting kids' online usage information. The FTC and New York Attorney General Letitia James said that, while YouTube claimed it caters to a general audience, many of its online channels are aimed at children under the age 13. That requires the service to comply with COPPA guidelines.

"YouTube touted its popularity with children to prospective corporate clients," FTC Chairman Joe Simons said in a statement. "Yet when it came to complying with COPPA, the company refused to acknowledge that portions of its platform were clearly directed to kids."

For example, a toymaker with a YouTube channel could track people who viewed its videos to send ads for its own products that are targeted to children. The FTC said in its complaint that Google and YouTube told toymaker Mattel that YouTube "is today's leader in reaching children age 6-11 against top TV channels." It also said that the companies told Hasbro that YouTube is the "#1 website regularly visited by kids."

But when it came to advertisers, the FTC alleged that YouTube told at least one marketer that the video-search company need not comply with COPPA, as it did not have users under the age of 13 on the platform.

Prior to Google's settlement, the largest civil FTC penalty for a children's data-privacy case was a [\\$5.7 million for a case in February](#) involving [social media app TikTok](#). But critics say Wednesday's settlement still amounts to a drop in the bucket for Google, whose parent company Alphabet was sitting on \$121 billion in cash and securities at the end of June.

### **YouTube response**

YouTube responded to the FTC charges Wednesday in a [blog post](#) outlining the data privacy changes it will make on its video search platform starting in about four months. The tech company said it will treat data from anyone watching children's content on the website as "coming from a child, regardless of the age of the user."

The company also said it will stop delivering personalized ads on children's content entirely. It will also hide some features on kid's channels, such as "likes" and notifications that could influence children's usage. Content creators will also be required to specify whether their content is for children. And

YouTube said it will use artificial intelligence to identify videos that target children with markers such as toys, kids' characters or games.

"We'll continue working with lawmakers around the world in this area, including as the FTC seeks comments on COPPA," YouTube CEO Susan Wojcicki said in the corporate blog post. "And in the coming months, we'll share details on how we're rethinking our overall approach to kids and families, including a dedicated kids experience on YouTube."

### **"Walled garden"**

The settlement [follows a complaint filed in April](#) with the FTC by the Campaign for a Commercial-Free Childhood, the Center for Digital Democracy and 18 other privacy and consumer-protection groups, asking the federal agency to crack down on YouTube's data collection practices for kids.

YouTube is the best-known brand among kids aged 6 to 12, beating out the Disney Channel, McDonald's and Lego, according to an eMarketer study. The study also estimated that nearly half of kids aged under 11 watch the platform.

Josh Golin, executive director at the Campaign for a Commercial-Free Childhood, commended the settlement for targeting behavioral advertising, which he called the "most insidious form of advertising" for children who are cognitively ill-equipped to contend against algorithms from tech giants like Google tracking their online behavior.

But he and other consumer-protection groups said the \$170 million fine is not large enough to deter future violations at YouTube, which generated \$4 billion last year just on advertising revenue, according to the Consumer Federation of America. Critics also said the settlement places too much of the burden of compliance on content creators, instead of requiring Google and YouTube to police their own platform.

"This lack of accountability is inexcusable, especially since the FTC has a clear authority under the Children's Online Privacy Protection Act to enforce children's privacy rights," Susan Brown, director of consumer protection and privacy at the CFA, said in a statement. "It's like having a school playground with no one responsible for watching the kids and making sure the equipment is safe."

Under the settlement, YouTube is only required to notify creators if their channels target children. Channels are not allowed to track user information for children without parent consent, and kids cannot comment on videos without parent consent.

Golin from the Campaign for a Commercial-Free Childhood suggested that YouTube could additionally move all content for children to YouTube Kids, creating a supervised "walled garden" for kid-friendly content.

<https://www.cbsnews.com/news/ftc-fines-google-170-million-for-violating-childrens-privacy-on-youtube/>

amNY: NY to receive \$34M as Google is fined over YouTube child privacy concerns

By Sarina Trangle [sarina.trangle@amny.com](mailto:sarina.trangle@amny.com) [@SarinaTrangle](#) September 4, 2019 5:36 PM

## PRINT SHARE

New York Attorney General Letitia James announced Wednesday that her office and Google reached a \$170 million settlement in a case related to YouTube tracking and targeting ads to those under 13.

James heralded the \$170 million as the largest settlement under the federal Children's Online Privacy Protection Act, which prohibits websites from collecting, using or sharing personal information — such as cookies, Internet Protocol addresses or other means of recognizing a user across websites — on children under 13, without first obtaining parental consent. The state is slated to receive \$34 million from the settlement, with the rest bound for the Federal Trade Commission.

"Google and YouTube knowingly and illegally monitored, tracked and served targeted ads to young children just to keep advertising dollars rolling in," James said in a statement. "These companies put children at risk and abused their power, which is why we are imposing major reforms to their practices and making them pay one of the largest settlements for a privacy matter in U.S. history."

YouTube, a subsidiary of Google, noted in marketing materials that the video platform is the favorite website for children between the ages of 2 and 12, according to James' office. Several channels describe themselves as being geared toward children, and those run by brands like Mattel, the owner of Barbie, informed Google and YouTube their primary audiences were under 13, according to James.

Investigators discovered both Google and YouTube knowingly tracked those under 13 who were watching videos and tailored ads based on their inferred interests, according to James. The complaint alleged Google and YouTube earned about \$50 million from advertising on examined channels, which were just "a few examples of the possible universe of child-directed content on YouTube."

The settlement requires Google and YouTube to create a system for determining which videos target children and for getting parental consent before collecting and using personal information from children. The firms must retain documents needed for compliance for five years over the next decade and share requested information with state authorities within 14 days, the settlement said.

YouTube CEO Susan Wojcicki noted in a blog post that the platform launched as a site for people over 13, but a boom in family content and shared devices has compelled YouTube to rethink how it handles children watching content without supervision.

In about four months, YouTube will limit data on anyone watching children's content and such videos will not be supported by any personalized ads, Wojcicki said.

"Today's changes will allow us to better protect kids and families on YouTube, and this is just the beginning," her blog post read. "And in the coming months, we'll share details on how we're rethinking our overall approach to kids and families, including a dedicated kids experience on YouTube."

<https://www.amny.com/news/google-privacy-lawsuit-1.35898718>

Rochester Democrat and Chronicle: Google, YouTube to pay record fine over privacy protections for kids

Joseph Spector and Jon Campbell, Albany BureauPublished 9:46 a.m. ET Sept. 4, 2019 | Updated 4:53 p.m. ET Sept. 4, 2019

ALBANY - Google and YouTube will pay a record \$170 million to settle claims the online giants illegally tracked viewers of videos geared toward children in order to show them targeted advertising.

New York Attorney General Letitia James and the Federal Trade Commission announced [the proposed settlement](#) Wednesday, with James accusing the companies of "knowingly and illegally monitoring" young children to "keep the advertising dollars rolling in."

The companies were accused of violating the Children's Online Privacy Protection Act, or COPPA, which prohibits many websites from collecting or using information from children under the age of 13 without their parents' consent.

YouTube is a subsidiary of Google, which maintains an extensive advertising platform.

The \$170 million penalty is the largest COPPA settlement in history, with New York set to receive \$34 million and the FTC receiving the rest.

"These companies put children at risk and abused their power, which is why we are imposing major reforms to their practices and making them pay one of the largest settlements for a privacy matter in U.S. history," James, a Democrat, said in a statement.

Privacy law meant to protect children

COPPA was enacted by Congress in 2000 to protect the online privacy of young children.

It was expanded in 2013 to include things like cookies and IP addresses, which are often used by advertisers to track users and offer them targeted ads.

The settlement followed an investigation by the state Attorney General's Office, which focused on the thousands of YouTube channels geared toward children under the age of 13.

For those channels that collect advertising dollars, Google and YouTube were tracking viewers' cookies and other online attributes in order to show advertisements tailored to them.

According to James and the FTC, that was in violation of COPPA. That led to the major settlement, which still needs to be approved by a judge.

Google, YouTube to make changes

In addition to the financial penalty, the settlement calls for Google and YouTube to stop using previously collected personal information from the videos geared toward children while developing a system to determine whether a video is geared toward a young audience.

YouTube will also be required to notify its users that children-geared content is subject to COPPA and require them to mark videos as child-centric.

Today we're sharing several changes designed to better protect data on children's content on YouTube. Starting in about four months:

1. We will treat data from anyone watching children's content on <http://YouTube.com> as coming from a child, regardless of the age of the user. This means we will only collect the data needed to support the operation of the service.

In a post Wednesday on its official blog, YouTube said [it was making a series of changes](#) to protect children's privacy.

Among them: Treating anyone who watches a video made for children as a child under the age of 13, regardless of their actual age.

"Starting in about four months, we will treat data from anyone watching children's content on YouTube as coming from a child, regardless of the age of the user," the company wrote.

"This means that we will limit data collection and use on videos made for kids only to what is needed to support the operation of the service."

Two FTC commissioners object

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The FTC voted 3-2 to approve the proposed settlement.

FTC Commissioner Rohit Chopra was one of the two votes against the settlement package, arguing that the financial penalties aren't severe enough.

The \$170 million penalty wasn't even enough to make Google warn its investors first, [Chopra wrote in a statement](#).

"Financial penalties need to be meaningful or they will not deter misconduct," Chopra wrote.

<https://www.democratandchronicle.com/story/news/politics/albany/2019/09/04/google-youtube-pay-record-fine-new-york-over-privacy-protections/2207658001/>

CBS NY: Google, YouTube Fined \$170 Million For Violating Children's Privacy

September 4, 2019 at 12:05 pm

**NEW YORK (CBSNewYork)** – The [Federal Trade Commission](#) has fined [Google's](#) video site, [YouTube](#), for violating children's privacy.

The FTC says the company collected children's data without their parents' consent.

Of the \$170 million settlement, \$34 million will go to New York State.

Attorney General [Letitia James](#) says YouTube specifically tracked and served targeted ads in videos meant for children under the age of 13.

"Google and YouTube knowingly and illegally monitored, tracked, and served targeted ads to young children just to keep advertising dollars rolling in," James said in a statement Wednesday. "These companies put children at risk and abused their power, which is why we are imposing major reforms to

their practices and making them pay one of the largest settlements for a privacy matter in U.S. history. My office is committed to protecting children and holding those who put our kids in harm's way — both on and offline — accountable."

<https://newyork.cbslocal.com/2019/09/04/ftc-fines-youtube-for-violating-childrens-privacy/>

Rollcall: Google agrees to record fine for violating children's privacy

Google agreed to pay a \$170 million fine and overhaul privacy policies on YouTube after regulators said the company illegally gathered data on underage users and allowed advertisers to use the information to target children with advertisements, regulators announced Wednesday.

The settlement, reached with New York State Attorney General Letitia James and the Federal Trade Commission, is the largest ever resulting from a violation of the Children's Online Privacy Protection Act, known as COPPA. New York will receive \$34 million of the settlement, and the remainder will go to the federal government.

Regulators said YouTube, which is owned by Google, gathered data on users under the age of 13, a violation under COPPA.

"Google and YouTube knowingly and illegally monitored, tracked, and served targeted ads to young children just to keep advertising dollars rolling in," James said in a statement. "These companies put children at risk and abused their power."

[\[Republican senators target Google's relationship with Chinese tech giant Huawei\]](#)

In a blog post, YouTube chief executive Susan Wojcicki said "nothing is more important than protecting kids and their privacy."

"From its earliest days, YouTube has been a site for people over 13, but with a boom in family content and the rise of shared devices, the likelihood of children watching without supervision has increased," she wrote.

In addition to the fine, Google and YouTube agreed to develop a system requiring users to designate their videos as being geared toward children. The companies will also train employees who work with content providers in COPPA compliance. And they will obtain parental consent before collecting or disclosing any data on underage users, regulators said.

"The order prevents Google and YouTube from turning a blind eye to content aimed at children on the YouTube platform," FTC Chairman Joe Simons said at a news conference on Wednesday.

Simons noted that none of the steps Google and YouTube will take are required under COPPA and said the requirements should send a message to other companies.

"The FTC takes its obligation to enforce COPPA seriously," Simons said. "If companies violate COPPA, the FTC will take aggressive action, require corrective measures and use its authority to seek substantial civil penalties."

But critics of Google and YouTube scoffed at the fine. Sen. [Edward J. Markey](#), D-Massachusetts, who has introduced bipartisan legislation to bolster measures for protecting children under COPPA with Sen. [Josh](#)

[Hawley](#), R-Missouri, said on Twitter that the FTC “let Google off the hook with a drop-in-the-bucket fine.”

“Not a single Google executive or investor will bat an eye,” Markey said.

House Energy and Commerce Chairman [Frank Pallone Jr.](#), D-New Jersey, and [Jan Schakowsky](#), D-Illinois, who chairs the Consumer Protection and Commerce Subcommittee, said the settlement didn't go far enough. They said it underscores the need for federal privacy legislation to regulate big technology companies that collect information on Americans of all ages.

“Comprehensive federal privacy legislation is critical to provide clear protections and impose strict penalties on companies that abuse personal information, especially children’s information,” the two lawmakers said in a statement.

<https://www.rollcall.com/news/congress/google-agrees-record-fine-violating-childrens-privacy>

Reuters: Google's YouTube to pay \$170 million penalty for collecting data on kids

WASHINGTON (Reuters) - Google, which is owned by Alphabet Inc (GOOGL.O), and its YouTube video service will pay \$170 million to settle allegations that it broke federal law by collecting personal information about children, the Federal Trade Commission said on Wednesday.

YouTube had been accused of tracking viewers of children’s channels using cookies without parental consent and using those cookies to target million of dollars in advertisements to those viewers.

The settlement with the FTC and the New York attorney general’s office, which will receive \$34 million, is the largest since a law banning collecting information about children under age 13 came into effect in 1998. The law was revised in 2013 to include “cookies,” used to track a person’s internet viewing habits.

It is also small compared with the company’s revenues. Alphabet, which generates about 85% of its revenue from sales of ad space and ad technology, in July reported total second-quarter revenue of \$38.9 billion.

YouTube said in a statement on Wednesday that in four months it would begin treating all data collected from people watching children’s content as if it came from a child. “This means that we will limit data collection and use on videos made for kids only to what is needed to support the operation of the service,” YouTube said on its blog.

In addition to the monetary fine, the proposed settlement requires the company to create a system for identifying content aimed at children and to notify channel owners about their obligations to get consent from parents before collecting information on children.

FTC Chairman Joe Simons noted at a news conference on Wednesday what he said were important changes to YouTube business practices. “No other company in America is subject to these types of requirements and they will impose significant costs on YouTube,” he told reporters.

FTC’s Bureau of Consumer Protection director Andrew Smith told reporters that the \$170 million settlement was based on revenues from data collected, times a multiplier. “It happens that \$170 million is roughly the budget of the Bureau of Consumer Protection for one year,” he added.



Once the settlement takes effect, the FTC plans to “conduct a sweep of the YouTube platform to determine whether there remains child-directed content” in which personal information is being collected, Smith said.

The FTC could take actions against individual content creators or channel owners as a result.

In late August, YouTube announced it would launch YouTube Kids with separate niches for children depending on their ages and designed to exclude disturbing videos. It has no behavioral advertising.

YouTube allows companies to create channels, which include advertisements that create revenue for both the company and YouTube.

In its complaint, the government said that YouTube touted its popularity with children in marketing itself to companies like Mattel and Hasbro. It told Mattel that “YouTube is today’s leader in reaching children age 6-11 against top TV channels,” according to the complaint.

New York Attorney General Letitia James said the companies “abused their power.”

“Google and YouTube knowingly and illegally monitored, tracked, and served targeted ads to young children just to keep advertising dollars rolling in,” said James.

The two Democrats on the FTC, Rebecca Slaughter and Rohit Chopra, dissented from the settlement. Slaughter, who called the violations “widespread and brazen,” said the settlement fails to require YouTube to police channels that provide children’s content but do not designate it as such, thus allowing more lucrative behavioral advertising, which relies on tracking viewers through cookies.

Senators Ed Markey and Richard Blumenthal, both Democrats active in online privacy matters, criticized the settlement in separate statements.

“A financial settlement is no substitute for strict reforms that will stop Google and other tech companies from invading our privacy,” Blumenthal said. “I continue to be alarmed by Big Tech’s policies and practices that invade children’s lives.”

<https://www.reuters.com/article/us-google-ftc/googles-youtube-to-pay-170-million-penalty-for-collecting-data-on-kids-idUSKCN1VP1RR>

NY Post: Google fined \$170M for YouTube’s violation of child privacy laws

By Lee Brown September 4, 2019 | 10:25am

Google has agreed to pay a \$170 million fine for allowing YouTube to profit by breaking child privacy laws, authorities announced Wednesday.

Regulators said the video site, which was bought by Google in 2006, illegally gathered children’s data without their parents’ consent and then made millions by targeting them with ads.

The company agreed to pay the sum to settle the charges with the Federal Trade Commission, with \$34 million of it going to New York state, which led the probe.

Google and YouTube also vowed to change their policies to stop future violations of the Children’s Online Privacy Protection Act, authorities said.

The fine is a record for violating the act, but is tiny compared to the \$5 billion fine the FTC [imposed against Facebook](#) this year for privacy violations.

"Google and YouTube knowingly and illegally monitored, tracked, and served targeted ads to young children just to keep advertising dollars rolling in," said New York Attorney General Letitia James.

"These companies put children at risk and abused their power, which is why we are imposing major reforms to their practices and making them pay one of the largest settlements for a privacy matter in US history.

"My office is committed to protecting children and holding those who put our kids in harm's way — both on and offline — accountable."

Prosecutors noted that YouTube is one of the most popular websites for children and marketing materials have dubbed it the "favorite website for kids 2-12" and the "#1 website regularly visited by kids."

"YouTube touted its popularity with children to prospective corporate clients" while pretending material was not aimed at kids, FTC Chairman Joe Simons said in a statement.

"There's no excuse for YouTube's violations of the law."

<https://nypost.com/2019/09/04/google-fined-170m-for-youtubes-violation-of-child-privacy-laws/>

Patch: New York Gets \$34M From YouTube Privacy Settlement

By [Noah Manskar, Patch Staff](#)

Sep 4, 2019 1:28 pm ET

NEW YORK — New York State will get \$34 million from a record-setting settlement with YouTube and Google over allegations that the companies violated kids' privacy rights, officials said Wednesday.

The two tech giants [agreed to pay a total of \\$170 million](#) to New York and the Federal Trade Commission to settle accusations that they collected personal information from kids watching YouTube videos.

Tracking kids' viewing habits and serving them targeted advertisements violated the Children's Online Privacy Protection Act, a federal law that bars websites from collecting personal information for kids younger than 13, according to state Attorney General Letitia James's office.

"These companies put children at risk and abused their power, which is why we are imposing major reforms to their practices and making them pay one of the largest settlements for a privacy matter in U.S. history," James said in a statement.

As the self-described "favorite website for kids 2-12," YouTube hosts many video channels that it and Google know target their content at young children, the AG's office says.

YouTube collected personal information from the viewers of such kid-focused videos even though the Children's Online Privacy Protection Act, or COPPA, bars the site from doing so without permission from parents, according to state and federal officials.

The settlement requires Google and YouTube to reform their policies and practices around kids' content in addition to the \$170 million fine, \$136 million of which will go to the FTC, officials said.

The companies must create a system for users to label their content as kid-focused; tell users about COPPA; train employees annually on compliance with the law; and get consent from parents before collecting children's personal information, according to James's office.

In a [blog post about the settlement](#), YouTube CEO Susan Wojcicki said the company has been taking a "hard look" at its policies around kids' content with input from experts, regulators and parents.

"Today's changes will allow us to better protect kids and families on YouTube, and this is just the beginning," Wojcicki wrote.

<https://patch.com/new-york/new-york-city/new-york-gets-34m-youtube-privacy-settlement>

Post Journal: YouTube, Google To Pay \$170M For Collecting Children's Personal Data Without Parents' Consent

NEW YORK — Google LLC and YouTube LLC have agreed to pay \$170 million in a national settlement, \$34 million of which will go to New York state, for violating the Children's Online Privacy Protection Act by specifically tracking and serving targeted advertisements to users watching videos directed to children under the age of 13 on YouTube.

*"Google and YouTube knowingly and illegally monitored, tracked, and served targeted ads to young children just to keep advertising dollars rolling in," said Letitia James, state attorney general. "These companies put children at risk and abused their power, which is why we are imposing major reforms to their practices and making them pay one of the largest settlements for a privacy matter in U.S. history. My office is committed to protecting children and holding those who put our kids in harm's way – both on and offline – accountable."*

Congress enacted COPPA in 2000 to protect the online privacy of young children. COPPA prohibits operators of certain websites from collecting, using, or disclosing personal information (e.g. first and last names, e-mail addresses, etc.) of children under the age of 13 without first obtaining parental consent. Operators of websites and online services directed to children under the age of 13, and the operators of websites and online services that have actual knowledge that they are collecting personal information from users of other websites directed towards children under the age of 13, are subject to COPPA.

In July 2013, the definition of "personal information" was revised to include persistent identifiers that can be used to recognize a user over time and across websites, such as the ID found in a web browser "cookie" or an Internet Protocol (IP) address. The revision effectively prohibits covered operators from using cookies, IP addresses, and other persistent identifiers to track users across websites for most advertising purposes, to amass profiles on individual users, or to serve online behavioral advertisements on COPPA-covered websites.

Google and YouTube's marketing materials have stated that YouTube is the "favorite website for kids 2-12" and the "#1 website regularly visited by kids." Many of YouTube's channels even self-identify in their "About" section as specifically intended for children. Additionally, Google and YouTube have actual knowledge that many of the channels and videos on the YouTube platform are directed towards

children: through communications with channel owners (e.g., the owner of the “Barbie” and “Monster High” channels specifically informed Google and YouTube that their channels are directed towards children under the age of 13) and through manual and automated reviews of channel content (e.g., Google and YouTube review and rate all videos uploaded to YouTube, as well as channels as a whole, according to a content rating system that categorizes video content into age groups – Y for ages 0-7, G for all ages, PG for ages 10 and up, Teen for ages 13 and up, MA for ages 16 and up, and X for ages 18 and up).

Eligible channel owners on YouTube are able to monetize their channel by allowing Google and YouTube to serve advertisements to viewers. When a channel owner monetizes a channel, Google and YouTube, by default, track viewers of the channel using viewers’ cookies or mobile advertising identifiers and serve advertisements that are specifically tailored to those viewers’ inferred interests. COPPA effectively prohibits this type of tracking and online behavioral advertising when Google and YouTube have actual knowledge that the content is directed towards children younger than 13-years-old.

In a prior investigation into violations of COPPA, the office discovered that a well-known channel owner had repeatedly informed Google and YouTube that its videos were directed to children younger than 13-years-old.

The investigation found that Google and YouTube knowingly and illegally tracked and served targeted advertisements to children under the age of 13 on YouTube in violation of COPPA. The companies have agreed to injunctive provisions and reforms to their practices in an effort to prevent further violations of COPPA, including:

- Developing, implementing, and maintaining a system for users to designate whether the video content they have uploaded is directed to children;
- Notifying users that content directed towards children on YouTube may be subject to the COPPA Rule, and that users who have uploaded such content are obligated to designate it as child-directed;
- Providing annual COPPA compliance training to employees responsible for managing relationships with users that upload content to YouTube; and
- Obtaining verifiable parental consent before any collection, use, and/or disclosure of personal information from children.
- Google and YouTube have also agreed that personal information previously collected from children can no longer be used.

The Federal Trade Commission also obtained \$136 million today in penalties.

<https://www.post-journal.com/news/latest-news/2019/09/youtube-google-to-pay-170m-for-collecting-childrens-personal-data-without-parents-consent/>

Digital Trends: YouTube slapped with \$170 million fine for violating children’s online privacy  
By Allison Matyus September 4, 2019

The Federal Trade Commission (FTC) has fined [YouTube](#) \$170 million as part of a settlement relating to the video platform’s treatment of children.

FTC [announced](#) the settlement on Wednesday, September 4. The Google-owned platform has to pay \$34 million to New York for allegations that it violated the [Children's Online Privacy Protection Act \(COPPA\) Rule](#). YouTube has to pay the remaining \$136 million to the FTC, which is the largest sum the FTC has received from a COPPA case.

The settlement passed in a 3-2 vote of the commission.

YouTube allegedly collected personal information used to track internet users from viewers on channels aimed toward children. A joint complaint from the FTC and New York Attorney General, Letitia James, alleges that YouTube collected this information for targeted advertisements without notifying parents or securing their consent.

The FTC said that under the COPPA rule established in 1998, websites and services directed at children must "provide notice of their information practices and obtain parental consent prior to collecting personal information from children under 13, including the use of persistent identifiers to track a user's internet browsing habits for targeted advertising."

The FTC pointed to YouTube telling popular toymakers Mattel and Hasbro that the platform was the "leader" in reaching kids ages 6-11 online.

"YouTube touted its popularity with children to prospective corporate clients," said FTC Chairman, Joe Simons, in the FTC press release. "Yet when it came to complying with COPPA, the company refused to acknowledge that portions of its platform were clearly directed to kids. There's no excuse for YouTube's violations of the law."

The complaint asserts that while YouTube claims to be a "general-audience" site, many of the platform's channels are explicitly directed at children. YouTube also maintains a kid-friendly app called YouTube Kids.

YouTube published a [blog post](#) the same day the FTC settlement was announced about children and data protection on the platform.

"Responsibility is our number one priority at YouTube, and nothing is more important than protecting kids and their privacy. We've been significantly investing in the policies, products, and practices to help us do this," wrote YouTube CEO Susan Wojcicki in the post. "From its earliest days, YouTube has been a site for people over 13, but with a boom in family content and the rise of shared devices, the likelihood of children watching without supervision has increased."

Wojcicki shared that YouTube will stop personalized ads on all children-related content, as well as features like comments on videos. She said they would also limit data collection on kid-friendly channels.

"Today's changes will allow us to better protect kids and families on YouTube, and this is just the beginning. We'll continue working with lawmakers around the world in this area, including as the FTC seeks comments on COPPA," Wojcicki added.

Digital Trends reached out to the FTC and YouTube for further comment, and we'll update this report if and when we hear back.

<https://www.digitaltrends.com/news/youtube-fined-170-million-for-violating-childrens-online-privacy/>

## NY Daily News: Google, YouTube hit with record-setting \$170 million fine for collecting personal information on users under the age of 13

Larry McShane

By LARRY MCSHANE

NEW YORK DAILY NEWS |

SEP 04, 2019 | 11:23 AM

You can Google it: The ubiquitous tech company with the popular search engine was fined a record \$170 million for mining kids' personal data without their parents' permission.

The Federal Trade Commission announced the penalty Wednesday, alleging that YouTube used the illegally collected information to collect millions of dollars in revenue via targeted ads to the kids.

New York state will receive \$34 million of the money under the agreement reached for violations of the Children's Online Privacy Protection Act by the Google-owned video site YouTube. The law requires parental consent for companies to collect and share data on children under age 13.

"Google and YouTube knowingly and illegally monitored, tracked and served targeted ads to young children just to keep advertising dollars rolling in," said New York state Attorney General Letitia James, whose office leveled similar charges against Google. "These companies put children at risk and abused their power."

FTC Chairman Joe Simons said there was no excuse for the company's illegal actions.

"YouTube touted its popularity with children to prospective corporate clients," said Simons. "Yet when it came to complying with COPPA, the company refused to acknowledge that portions of its platform were clearly directed to kids."

"There's no excuse for YouTube's violation of the law."

Google, in a statement, promised changes going forward in its data collection for kids' content on YouTube.

"Responsibility is our No. 1 priority at YouTube, and nothing is more important than protecting kids and their privacy," the company said. "We've been significantly investing in the policies, products and practices to help us do this."

It marked the third time since 2011 that Google was sanctioned by the FTC. But shed no tears for the deep-pocketed business: Google's parent company Alphabet turned a \$30.7 billion profit in 2018.

The fine, which still needs approval from a federal court in Washington, was ripped by advocates for the online protection of kids as woefully inadequate to halt such behavior.

"A small amount like this would effectively reward Google for engaging in massive and illegal data collection without any regard to children's safety," said Katharina Kopp, deputy director of the Center for Digital Democracy.

<https://www.nydailynews.com/new-york/ny-google-youtube-settlements-20190904-2fbsmvkf4zgy7igg7xwgljtsfy-story.html>

## CBS 880: YouTube To Pay \$170M Fine After Violating Kids' Privacy Law

Google and YouTube will pay a total of \$170 million to settle allegations by the Federal Trade Commission and New York's attorney general that the video platform collected children's personal data without parents' consent.

The FTC will get \$136 million and the rest will go to New York. The fine marks the largest the FTC has leveled against Google, although it's dwarfed by the \$5 billion fine the agency imposed against fellow tech giant Facebook earlier this year for privacy violations.

The FTC found that YouTube violated the Children's Online Privacy Protection Act (COPPA) which requires parental consent before companies can collect children's personal information.

The investigation by the New York Attorney General's Office found "both Google and YouTube knowingly and illegally tracked and served targeted advertisements to children under the age of 13 on YouTube in violation of COPPA."

"Google and YouTube knowingly and illegally monitored, tracked, and served targeted ads to young children just to keep advertising dollars rolling in," said the state's Attorney General Letitia James. "These companies put children at risk and abused their power, which is why we are imposing major reforms to their practices and making them pay one of the largest settlements for a privacy matter in U.S. history. My office is committed to protecting children and holding those who put our kids in harm's way — both on and offline — accountable."

YouTube has said its service is intended for ages 13 and older, although younger kids commonly watch videos on the site and many popular YouTube channels feature cartoons or sing-a-longs made for children.

James said Google and YouTube are putting forth the following measures to ensure they are complying with the COPPA law:

- Developing, implementing, and maintaining a system for users to designate whether the video content they have uploaded is directed to children;
- Notifying users that content directed towards children on YouTube may be subject to the COPPA Rule, and that users who have uploaded such content are obligated to designate it as child-directed;
- Providing annual COPPA compliance training to employees responsible for managing relationships with users that upload content to YouTube; and
- Obtaining verifiable parental consent before any collection, use, and/or disclosure of personal information from children.
- Google and YouTube have also agreed that personal information previously collected from children can no longer be used.



Connecticut Sen. Richard Blumenthal said more needs to be done to protect the privacy of children.

"A financial settlement is no substitute for strict reforms that will stop Google and other tech companies from invading our privacy—particularly when children are concerned. I continue to be alarmed by Big Tech's policies and practices that invade children's lives. When companies like Google repeatedly break the law, the FTC must demand structural change and executive accountability," he stated. "I am concerned that the divided vote reflects a lack of resolve and a lost opportunity to impose necessary accountability measures to rein in Google's pattern of privacy abuses."

<https://wcbs880.radio.com/articles/news/youtube-pay-170m-fine-after-violating-kids-privacy-law>

Law.com: FTC Official Urges State Attorneys General to Sue Google Over Kids' Privacy Violations

By Sue Reisinger | September 04, 2019 at 04:17 PM

Google LLC Wednesday agreed to pay a record \$170 million penalty and make compliance changes after violating children's privacy rights. But one regulator said the settlement didn't go far enough and urged attorneys general nationwide to sue the company.

"More action is needed, and I hope that our partners in state attorneys' general offices can finish the job," said a [statement](#) from Federal Trade Commission Commissioner Rebecca Kelly Slaughter, who dissented.

The Google penalty was part of a [settlement](#) with FTC general counsel Alden Abbott and New York Attorney General Letitia James. Under the deal, New York receives \$34 million of the penalty.

A Google representative didn't respond to questions but referred Corporate Counsel to its [statement](#), a lengthy blog post by YouTube CEO Susan Wojcicki detailing its policies, products and practices. Wojcicki wrote, "Responsibility is our number one priority at YouTube, and nothing is more important than protecting kids and their privacy."

The [joint complaint](#) filed against Google and its online video platform, YouTube, accused the companies of displaying content for children, gathering and tracking the viewer data, and then targeting ads at those children. The complaint said their conduct violated the Children's Online Privacy Protection Act, or COPPA.

"Just as the attorney general of New York contributed to bringing this action," Slaughter said, "the other 49 states' attorneys general remain empowered by COPPA to take action against the violations that we detail in the complaint."

Specifically, Slaughter wants the states to seek an injunction demanding that Google create a technological backstop to evaluate content and keep creators and YouTube honest about whether content is child-directed.

The complaint identified several content creators, including toy brands Mattel Inc. and Hasbro Inc., as well as the Cartoon Network.

Under COPPA, if content is directed to children, then it is illegal to collect personal information from those viewers without getting parental consent. Under Wednesday's settlement, YouTube must ask a content's creator to designate the content as child-directed or not.

If the creator designates it is for general audiences, then Google can collect viewer data and target ads, sharing the revenue with the creator. If the creator says it is child-directed content, then parental consent must be obtained first to gather viewer data and target ads.

Slaughter wants Google to be more responsible for identifying child-directed content, and not depend on the creators' honesty.

"My concern is with the vast universe of content creators who will conduct a different cost-benefit analysis in which the perceived payoff of monetizing child-directed content through [targeted] advertising outweighs the perceived risk of being caught violating COPPA," she said.

Slaughter, a Democrat appointee, was joined by fellow Democrat Commissioner Rohit Chopra in filing dissenting statements. Chopra noted it was the third time since 2011 that the commission has sanctioned Google for privacy violations.

Chopra went on to analyze Google's profits and, while the numbers are redacted in his statement, he suggests the company profited considerably more from its illegal behavior than it paid in the penalty.

"When Google pays a fine and still profits from misconduct, this is not a penalty," his statement said.

The three-person Republican majority on the commission found that the fine was substantial and adequate. Chairman Joseph Simons and Commissioner Christine Wilson issued a joint statement calling the settlement "groundbreaking" and a "significant victory" that sends a strong message to platforms.

Besides the penalty, the settlement requires Google and YouTube to maintain a system that permits creators to identify their child-directed content. The companies must notify creators that their content may be subject to the COPPA rule's obligations and provide annual compliance training for employees who deal with YouTube content creators.

<https://www.law.com/corpcounsel/2019/09/04/ftc-official-urges-state-attorneys-general-to-sue-google-over-kids-privacy-violations/>

Law.com: Google, YouTube to Pay \$170M in Child Privacy Settlement

By Dan M. Clark | September 04, 2019 at 12:33 PM

Google and YouTube have agreed to pay \$170 million to the Federal Trade Commission and New York state in the largest-ever settlement in an enforcement matter brought under a federal law intended to prevent companies from collecting personal data from children without the consent of their parents.

The companies were accused of unlawfully tracking the behavior of users below 13 years old and serving them targeted advertisements based on that information, the New York Attorney General's Office said.

"These companies put children at risk and abused their power, which is why we are imposing major reforms to their practices and making them pay one of the largest settlements for a privacy matter in U.S. history," said New York Attorney General Letitia James.

Of the \$170 million Google and YouTube agreed to pay as part of the settlement, \$136 million will go to the FTC. The remainder will be paid to New York state.

The FTC said in [a news release](#) on the settlement that the amount paid to them is by far the largest ever obtained by the federal agency under the Children's Online Privacy Protection Act since it was approved by Congress two decades ago. YouTube earned millions of dollars by using the data to serve targeted ads to viewers of child-directed channels, the FTC said.

"YouTube touted its popularity with children to prospective corporate clients," FTC Chairman Joe Simons said. "Yet when it came to complying with COPPA, the company refused to acknowledge that portions of its platform were clearly directed to kids. There's no excuse for YouTube's violations of the law."

The commission was split on approving the settlement, with three commissioners in favor and two against.

Commissioner Rohit Chopra, for example, wrote in a statement dissenting from the settlement that the amount to be paid by Google and YouTube was too low. He argued that the FTC should have made a higher opening bid for monetary relief to highlight the depth of the matter.

"Financial penalties need to be meaningful or they will not deter misconduct," Chopra wrote.

He also suggested that Congress approve additional digital privacy legislation to give state attorneys general, like James, more power to seek penalties in future instances. In this case, because of how COPPA was written, that wasn't an option, Chopra wrote.

"In COPPA, state attorneys general can only seek forfeiture of ill-gotten gains and refunds to victims, but not financial penalties beyond that. In this matter, the New York attorney general was unable to pursue civil penalties, since the FTC has exclusive authority to do so," Chopra wrote. "This should change."

Aside from the financial penalties, YouTube, which is owned by Google, agreed to implement reforms to avoid future violations of COPPA, according to the New York Attorney General's Office.

YouTube agreed to develop, implement and maintain a system for users to choose whether their videos are directed to children. They will now notify users that content directed toward children on the website may be subject to the COPPA rule, and that the burden is on contributors to designate that content as child-directed.

The company will also obtain verifiable parental consent before collecting, using or disclosing the personal information of children, as is required under COPPA. Employees who work with users will also receive annual compliance training with the law.

FTC Commissioner Rebecca Kelly Slaughter, the other dissenting vote, wrote in a statement that the agreed-upon reforms by YouTube didn't go far enough. She argued that the company should have been required to develop a safety net mechanism to turn off behavioral advertising for content that was directed for children, but hadn't been designated as such.

"True, a technological backstop is not explicitly mandated by COPPA's text, but such a requirement would, I believe, be appropriate and necessary fencing-in relief," Slaughter wrote.

YouTube said in [a blog post](#), which it said served as its statement for the press, that it intends on treating data from anyone watching children's content on the site as coming from a child, regardless of the user's actual age. They'll also stop serving personalized ads on that content, entirely, the company said.

"This means that we will limit data collection and use on videos made for kids only to what is needed to support the operation of the service," YouTube said in the blog post.

<https://www.law.com/2019/09/04/google-youtube-agree-to-pay-170m-to-ftc-ny-ags-office-in-online-privacy-settlement-292-52837/>

## Deadline: YouTube Agrees To Pay \$170M Fine For Children's Privacy Violations; FTC Says Settlement "Game Changing" For Online Platforms – Update

By [Ted Johnson](#)

September 4, 2019

[Google](#) will pay \$170 million to settle claims by the [Federal Trade Commission](#) and a New York Attorney General Letitia James that [YouTube](#) illegally collected personal information from children without their parent's consent.

The record fine, which had been anticipated after news reports that Google was about to settle the case, has ramifications across all platforms, as so much of kids' viewing habits have shifted to online devices. Parental and consumer groups had called on the FTC to investigate what they saw as flagrant violations of a 1998 law that restricts the online collection of information from kids under the age of 13 without parental consent.

According to the FTC, Google and YouTube will pay \$136 million to the agency, and \$34 million to New York. The federal regulators said that the fine was the largest the FTC had ever collected for violations of the Children's Online Privacy Protection Act, but also that it marked a turning point in enforcement.

Andrew Smith, director of the FTC's Bureau of Consumer Protection, said that this was the first time that the agency had found "a platform liable for content posted by someone else. That is a really big deal. This is game changing."

In the complaint, the FTC and the New York Attorney General's office claimed that YouTube violated the law by collecting tracking information from viewers of YouTube channels directed at children, and then earned "millions of dollars" by using the "cookies" to target ads to those channels' viewers.

The law requires disclosure of their tracking practices and parental consent.

FTC chairman Joe Simons said that YouTube "touted its popularity with children to prospective corporate clients. Yet when it came to complying with [the children's privacy act], the company refused to acknowledge that portions of its platform were clearly directed to kids. There's no excuse for YouTube's violations of the law."

In a press conference, Simons and Smith touted the unprecedented nature of the fine, but also spoke of the challenge of holding YouTube liable. The agency had to show that the platform had “actual knowledge” that content posted to its site was directed at children and subject to the privacy law.

In a blog post, YouTube CEO Susan Wojcicki said that it will make a series of changes on its platform. In four months, the company said it will “treat data from anyone watching children’s content on YouTube as coming from a child, regardless of the age of the user.”

“This means that we will limit data collection and use on videos made for kids only to what is needed to support the operation of the service,” she wrote. “We will also stop serving personalized ads on this content entirely, and some features will no longer be available on this type of content, like comments and notifications.”

She also said that they will be using “machine learning” to find videos that target young audiences, including those that “have an emphasis on kids characters, themes, toys or games.”

According to the FTC, Google sent contradictory messages over the audiences for YouTube content, It claimed that it was a general audience site, and even told one advertising company that it did not have to comply with the children’s privacy law because it did not have users younger than 13 on its platform, according to the agency. But the agency noted that YouTube also marketed itself to toy makers as a popular destination for kids, even promoting that it was a new Saturday morning destination for those young viewers. It told Mattel and Hasbro that it was a leader in reaching children aged 6-11, the agency said.

“You can’t market your ability to get child viewers on the one hand. and disavow knowledge on the other,” Smith said.

The settlement also requires that Google and YouTube notify channel owners when their content may be subject to the children’s privacy law, and mandates compliance training for certain YouTube employees. It also requires that the platform maintain a system for YouTube channel owners to identify their children’s content on the platform, flagging it for compliance with the law.

The settlement must be approved by a federal judge.

The commission voted 3-2 to approve the settlement. Commissioners Rebecca Kelly Slaughter and Rohit Chopra voted against the action because they did not think it went far enough in sanctioning the company.

Two of the consumer groups that filed the complaint — the Campaign for a Commercial Free Childhood and the Center for Digital Democracy — said they were pleased with a provision in which Google and YouTube will ask their content creators to disclose if their videos are aimed at children. The thinking is that will help reduce the amount of “behavioral” advertising targeting young viewers.

But the groups expressed skepticism that the settlement will lead to substantive changes, as it does not specifically mandate that YouTube determine on its own whether the videos posted to its site are directed at kids. The burden of compliance will be with content creators, many of whom will face lower revenues if they shut down their targeted advertising capabilities, they said.

Jeff Chester, executive director of the Center for Digital Democracy, is calling for Congress to create a consumer watchdog to oversee online privacy practices.

"More fundamental changes will be required to ensure that YouTube is a safe and fair platform for young people," he said.

The FTC's Smith said that it considered mandating that YouTube implement a "machine learning" tool to identify children's content, but ultimately decided that it posed enforcement problems and could evolve into a legal quagmire. YouTube's announcement that it would take such an approach on its own is an indication that the company has an incentive "to police their platform," he said.

YouTube also recently announced other changes, including the introduction of a desktop version of its YouTube Kids. They also announced a \$100 million fund to invest in "thoughtful, original children's content" over the next three years.

<https://deadline.com/2019/09/google-youtube-pay-170-million-dollars-childrens-privacy-violations-1202710488/>

Fox News: YouTube to pay massive \$170M fine as it settles claims it violated children's privacy laws

By Chris Ciacchia

[Google](#)-owned YouTube has settled with the Federal Trade Commission and the New York Attorney General, offering to pay a fine of \$170 million on allegations that it violated children's privacy laws.

The \$170 million breaks down into two parts: \$136 million will be paid to the FTC and the remaining \$34 million will go to New York on allegations the video-sharing site violated the Children's Online Privacy Protection Act (COPPA) Rule, which was enacted in 1998 under President Clinton.

"YouTube touted its popularity with children to prospective corporate clients," said FTC Chairman Joe Simons in a [statement](#). "Yet when it came to complying with COPPA, the company refused to acknowledge that portions of its platform were clearly directed to kids. There's no excuse for YouTube's violations of the law."

The fine was passed by a 3-2 vote by the FTC Commission, with the commissioners voting along party lines.

In the complaint by the FTC and the New York Attorney General, YouTube marketed itself to toy companies such as Mattel and Hasbro. YouTube told Mattel that it is "today's leader in reaching children age 6-11 against top TV channels," while telling Hasbro that it is the "#1 website regularly visited by kids."

"Google and YouTube knowingly and illegally monitored, tracked, and served targeted ads to young children just to keep advertising dollars rolling in," said New York Attorney General Letitia James in a statement obtained by Fox News. "These companies put children at risk and abused their power, which is why we are imposing major reforms to their practices and making them pay one of the largest settlements for a privacy matter in U.S. history. My office is committed to protecting children and holding those who put our kids in harm's way — both on and offline — accountable."

"COPPA imposes certain requirements on operators of websites or online services directed to children under 13 years of age, and on operators of other websites or online services that have actual knowledge that they are collecting personal information online from a child under 13 years of age," reads a summary of the law on the Federal Trade Commission's [website](#).

Despite YouTube's claims to Mattel and Hasbro, it told one advertising company "it did not have users younger than 13 on its platform," adding that channels on the platform did not need to comply with COPPA, according to the complaint.

Aside from the fine, the largest the FTC has obtained since the law was enacted, Google and YouTube are required to "develop, implement, and maintain a system that permits channel owners to identify their child-directed content on the YouTube platform so that YouTube can ensure it is complying with COPPA."

The companies are also required to "notify channel owners that their child-directed content may be subject to COPPA."

The two dissenting commissioners, Rohit Chopra and Rebecca Kelly Slaughter, said the penalties put forth against YouTube and Google did not go far enough.

"For the third time since 2011, the Federal Trade Commission is sanctioning Google for privacy violations," Chopra wrote in [his dissent](#). "This latest violation is extremely serious. The company baited children using nursery rhymes, cartoons, and other kid-directed content on curated YouTube channels to feed its massively profitable behavioral advertising business."

"The order does not require YouTube to police the channels that deceive by mis-designating their content, such as by requiring YouTube to put in place a technological backstop to identify undesignated child-directed content and turn off behavioral advertising," Kelly Slaughter wrote in her [dissent](#). "True, a technological backstop is not explicitly mandated by COPPA's text, but such a requirement would, I believe, be appropriate and necessary fencing-in relief. The order's requirement that channel owners designate content as child-directed is also not required by COPPA, yet it is a good start to fencing-in relief, to which YouTube has consented, to redress YouTube's own COPPA violations and reduce its facilitation of others' violations. Fencing-in relief that goes beyond bare-minimum statutory requirements is a common and important aspect of effective Commission orders."

YouTube has come under fire from both the left and right for a myriad of reasons. Earlier this week, [the company said](#) it removed more than 17,000 channels and 100,000 videos, along with at least 500 million comments, since the company announced a broad crackdown [on hate speech](#) in June.

[https://www.foxnews.com/tech/youtube-to-pay-massive-170m-fine-as-it-settles-claims-it-violated-childrens-privacy-laws.amp?cmpid=prn\\_newsstand](https://www.foxnews.com/tech/youtube-to-pay-massive-170m-fine-as-it-settles-claims-it-violated-childrens-privacy-laws.amp?cmpid=prn_newsstand)

## Queens Cemetery Lawsuit



Crain's New York Business: AG suing executives accused of plundering Queens Cemetery  
[State Attorney General Letitia James'](#) office is suing the directors of a notorious Queens cemetery for plundering and mismanaging the property's funds.

The case was filed on Tuesday in State Supreme Court against seven current and former directors at the [All Faiths Cemetery](#), a 225-acre property in Middle Village with more than 540,000 graves.

The suit lays its most serious accusations against Daniel Austin Sr., who served as the cemetery's chief executive for almost 30 years, along with his son, Daniel Austin Jr., who was appointed by Austin Sr. as his successor and who also is accused of misconduct and illicitly enriching himself.

Austin Sr. took \$900,000 from the cemetery, according to the complaint, lifted his annual salary to \$325,000 and enjoyed other perks, such as the use of a car paid for out of the cemetery's coffers—all while the finances of the nonprofit that operated the property deteriorated and the site fell into disrepair.

[Past media reports](#) describe cracked and toppled headstones, sinkholes, overgrown shrubbery and grass and potholed pavement. [In an interview with the Queens Daily Eagle in December](#), Austin Sr. blamed the property's increasingly run-down condition on the families of those buried there, suggesting that they didn't pay funds to continue to maintain grave sites.

But the lawsuit says the cemetery's finances had been in decline for a different reason altogether: Austin Sr. and the other defendants were pilfering the money. In 2014 Austin Sr. ordered that a \$900,000 retirement fund be liquidated and granted to him in a lump sum, even though he didn't retire and continued to work as a leader of the cemetery and contrary to rules that required the fund be disbursed only in monthly payments, according to the suit.

At around the same time, Austin Sr. appointed his son as president of the cemetery and stepped into the role of chairman of the nonprofit that operated the property. Four years later, in August 2018, Austin Jr. resigned after the cemetery's board discovered that he had taken \$63,000 in fraudulent performance bonuses. Austin Sr. repaid the amount but permitted his son to keep a pension from the cemetery, according to the suit.

The attorney general's office estimates that Austin Sr. earned about \$5.4 million in salary as cemetery president from 1990 to 2014, and likely an additional million dollars or more from 2014 to this year as chairman.

In addition to personally enriching himself, the suit states that Austin Sr. paid two cemetery board members, Donald Pfail and Anthony Mordente, who were supposed to serve as watchdogs for the nonprofit's finances, more than \$540,000 from 2013 to 2018, with "no steps to evaluate the reasonableness of the amounts paid or the value of the services obtained."

The cemetery's leaders also granted improper mortgage loans to themselves, the suit alleges. Michael Michel, a board member and defendant in the suit, received a \$400,000 interest-only loan that his daughters purportedly planned to use to build a home in Far Rockaway, Queens. Another board member and defendant, Joseph Lodato, allegedly granted a \$500,000 loan to his brother.

Another board member and defendant in the case, Vera Princiotta, told the attorney general she saw no conflict of interest in granting board members or their relatives loans from the cemetery, the suit states.

"If they're not living in the same household, they're two different people. I would assume there's no conflict of interest there," Princiotta said, according to the suit.

In 2016, the suit states, executive and director salaries and other administrative fees accounted for \$660,000, 45% of the cemetery's revenue. The next year it increased to \$729,320, 54% of total revenue. Last year an auditor warned that the cemetery's general operating fund could be "wiped out if that trend continues."

The suit is seeking to recoup monies illicitly taken by the defendants from the cemetery and sanction them from participating as board members or trustees, or have any fiduciary role, in a New York charitable entity.

The cemetery's phone appears to be disconnected, and it did not immediately respond to an emailed request for comment.

<https://www.crainsnewyork.com/real-estate/ag-suing-executives-accused-plundering-queens-cemetery>

## QNS: Trump clan final resting place is a mismanaged mess, State AG alleges

By QNS Special / editorial@schnepsmedia.com / Wednesday, September 4, 2019 / 3:15 PM

Digging deep into the operations of a Queens graveyard, state Attorney General Letitia James sued leaders of Lutheran All Faiths Cemetery Tuesday for alleged mismanagement she says let its longtime boss to retire with a pot of gold.

Among the more than 540,000 people laid to rest in the 225-acre expanse, which [some reports say](#) has seen better days: [Fred and Mary Trump](#), the parents of President Donald Trump, as well as his late brother Fred Trump Jr.

The civil complaint filed in Manhattan state Supreme Court stems from routine audit of assets by the New York State Division of Cemeteries, which revealed that Daniel Austin Sr. received a \$900,000 lump sum shortly before retiring as Lutheran All Faiths' president in 2014 and becoming board chair.

His successor as president of the Middle Village cemetery was his son, Daniel Austin Jr., also a defendant in the attorney general's lawsuit.

The complaint describes "extraordinary misconduct" by the duo.

James accuses Austin Sr. of extracting "enormous financial benefits" from the cemetery to enrich himself and his son — "enabled by the complacency" of the six other defendants, all current or former paid board members.

Among their actions, James alleges, was making mortgage loans to relatives using restricted trust funds belonging to the cemetery, collecting unwarranted fees and ignoring auditors' recommendations.

"The defendants funded their overspending with regular unlawful incursions into a segregated trust fund that is expressly protected under New York law for the care and maintenance of individual burial plots," the complaint reads.

The board members, charged with financial management of the cemetery, hired treasurers whom the lawsuit alleges could not identify “basic elements of the cemetery’s balance sheet.” The board also allowed past chairman Daniel Austin Jr. to resign in August 2018 with full pension benefits after removing him for stealing more than \$60,000 from the burial ground’s operating funds, according to court documents.

The board let Austin Sr. repay the embezzled sum on his son’s behalf without interest, according to the complaint. At the time of his retirement in 2014 after 24 years as president, the senior Austin earned \$325,000 annually, according to the attorney general.

Austin Sr., a former NYPD detective raised in Glendale, said on Tuesday evening he did not want to comment on the suit “because I just found out myself five minutes ago.”

#### Perpetual Care and Disrepair

The cemetery’s website describes it as a “picturesque” final resting place with grave plots that are accessible to people of different faiths and income brackets. It also touts the “many improvements and upgrades” made under the leadership of Daniel Austin Sr.

A sign at the cemetery touts that it’s “well operated.” Photo: Ben Fractenberg/THE CITY

But for years, families of those buried at the cemetery bordering Metropolitan Avenue have bemoaned the grounds, which they describe as in a state of utter disrepair — toppled gravestones, overgrown grass being colonized by weeds, roads riddled with potholes.

In an interview with the [Queens Daily Eagle](#) last year, Austin Sr. attributed frayed conditions to families’ failure to pay for upkeep.

This money is stored in a restricted fund dedicated to perpetual care — the same fund the board tapped to “support their overspending,” the attorney general’s filing contends. In 2017, the cemetery’s auditor reported that the board had drained \$1 million in these sealed funds to offset general operating costs.

James is seeking to remove all three defendants still serving on the board, restore any assets that were lost or stolen, seal off any future payments to the defendants, and recover salaries previously paid to them. She also wants to permanently bar the defendants from ever working in a fiduciary role at another non-profit organization in New York.

“This is totally shocking and disappointing, if true,” said Councilmember Bob Holden (D-Middle Village). “I suspected there was some change happening when the cemetery fell into disrepair, but I never imagined something like this. They used to work with the community and I know my neighbors will be saddened by this.”

<https://qns.com/story/2019/09/04/trump-clan-final-resting-place-is-a-mismanaged-mess-state-ag-alleges/>

Ridgewood Post: Board Members of Non-Profit Cemetery Embezzled Thousands of Dollars

Sept 4, 2019 By Allie Griffin

Board Members of a non-profit cemetery in Middle Village pocketed thousands of dollars meant for the cemetery upkeep, while complaining about a lack of funds, according to a suit filed Tuesday by New York State Attorney General Letitia James.

The suit claims that seven former and current board members of the nonprofit Lutheran All Faiths Cemetery racked up “millions of dollars in operating costs” to enrich themselves from at least 2014 onward, while the cemetery grounds fell into disarray.

The board members “exploited their positions at the Cemetery to draw fees, salaries, and loans from the Cemetery’s charitable assets while ignoring their basic fiduciary obligation to manage the assets under their control for the benefit of the Cemetery and its property,” the suit alleges.

Among the charges, Attorney General James claims the board members embezzled thousands, paid themselves exorbitant salaries and unauthorized retirement benefits and director fees, lent restricted funds to family members as mortgage “investments,” and ignored the outside auditor’s recommendation to curtail their spending.

The board chairman and former president Daniel Austin, Sr. made out with about \$5.4 million in salary for the various positions he served at the cemetery from 1990 and 2014. He retired as president and CEO in May 2014 and received \$900,000 in retirement pay, yet continued to work as a salaried chairman of the board for another five years.

Lutheran All Faiths Cemetery sign reads “Exceptionally well operated and maintained” (Google Maps)

In December 2018, Austin, Sr. told the Queens Daily Eagle that the crumbling graves and lack of proper upkeep at the 225-acre Lutheran All Faiths Cemetery was due to a chronic lack of cash. He told the newspaper that funds tied up for perpetual care couldn’t be used to maintain gravesites that haven’t been paid and doing so would mean committing a misdemeanor.

Yet Austin and the board continuously drained thousands and sometimes millions of dollars legally allotted only for perpetual care for other operating costs, according to the suit.

The mismanagement and embezzlement of the cemetery also involved Austin's son Daniel Austin, Jr., who was appointed president after his father stepped down from the role. The son embezzled \$63,000 in unapproved bonuses through the Cemetery payroll, according to the lawsuit.

To top it off, in a July 2018 board meeting, the mismanagement escalated to a physical altercation between board members and Austin Jr. in which he was in possession of a firearm, according to court documents.

Other board members used restricted cemetery assets to provide private mortgage loans to their close relatives, totaling nearly \$1 million between 2015 and 2017, according to the complaint.

Attorney General James is seeking to remove the three current board members from their positions, recover any charitable assets lost or stolen, end further payments to board members and recover salaries previously paid to them.

<https://ridgewoodpost.com/board-members-of-non-profit-cemetery-embezzled-thousands-of-dollars>

## Hurricane Dorian Charity

### NBC/CBS Utica: BEWARE SCAMMERS LOOKING TO PROFIT FROM HURRICANE DORIAN RELIEF

State officials are urging New Yorkers to conduct thorough research before making donations to relief organizations in the wake of Hurricane Dorian.

Posted: Sep 4, 2019 4:51 PM

Posted By: WKTV

NEW YORK -- State officials are urging New Yorkers to conduct thorough research before making donations to relief organizations in the wake of Hurricane Dorian.

New York Attorney General Letitia James released a statement Wednesday that read, in part, "Today, and in the weeks and months to follow, it is imperative that we support all those who have been impacted, but I urge New Yorkers to be prudent when assessing what organizations to donate to. Sadly, bad actors too often take advantage of catastrophic events to scam generous individuals. New Yorkers and donors everywhere should direct their donations to organizations that they know and trust."

To make sure that your contributions go to legitimate relief organizations and directly to help victims, consider the following tips:

- Check Before Giving: Donate to charities you are familiar with and carefully review information about the charity before you give. Most charities are required to register and file financial

reports with the Attorney General's Charities Bureau if they solicit contributions from New Yorkers. Check [charitiesnys.com](http://charitiesnys.com) financial reports of charities or ask the charity directly for its reports.

- Ask How Your Donation Will Be Used: Find out how the charity plans to use your donation, including the services and individuals your donation will support.
- Be Wary of Newly-Formed Organizations: Often, in the aftermath of tragedies, new organizations are formed with claims that they will assist victims. While some of those organizations may be doing just that, others turn out to be scams. Before making a contribution to a new organization, find out who is running it and how it plans to use donations.
- Be Careful When Giving Through Social Media: As after other tragedies, social media sites may be used to raise money for victims of Dorian. Before giving through these sites, check out who is behind the fundraising efforts and ask the same questions you would of a charity.
- Exercise Caution Before You Text A Contribution: Check the charity's website or call the charity to confirm it has authorized contributions to be made via text message.
- Don't Give Cash. Give directly to the charity either by check made payable to the organization or through the charity's website.
- Be Careful About Personal Information: Avoid giving credit card or personal information over the phone or by text message. In all cases, make sure you are familiar with the organization to which you give such information and check to see that the fundraising campaign is legitimate.
- Report Suspicious Organizations: If you believe an organization is misrepresenting its work, or that a scam is taking place, please contact the Charities Bureau at [complaints@ag.ny.gov](mailto:complaints@ag.ny.gov).

<https://www.wktv.com/content/news/Beware-scammers-looking-to-profit-from-Hurricane-Dorian-relief-559393541.html>

## Sprint/T-Mobile

International Business Times: Illinois Jumps On Bandwagon To Block T-Mobile And Sprint's Merger

By [Evan Niu](#)

09/04/19 AT 6:20 AM

ver the summer, numerous state attorneys general joined forces to file a lawsuit seeking to block T-Mobile's (NASDAQ:TMUS) proposed megamerger with smaller rival Sprint (NYSE:S), a \$26 billion deal that would reshape the U.S. wireless industry, a favorite among dividend investors. Additional states promptly piled on, with more joining the effort opposing the deal in the months since. The states argue that the merger would hurt competition and eventually lead to higher prices for consumers.

Illinois has now jumped on the bandwagon, too.

Over half of the U.S. population is represented

New York Attorney General Letitia James announced the latest addition this morning, noting that Illinois Attorney General Kwame Raoul will become the 17th state prosecutor to join the suit. That means a full third of state attorneys general in the U.S. (when including the District of Columbia), which James notes represent over half of the U.S. population, are now attempting to block the deal.

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The attorneys general now included in the lawsuit represent California, Colorado, Connecticut, Hawaii, Illinois, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Nevada, New York, Oregon, Texas, Virginia, Wisconsin, and the District of Columbia.

"This merger would significantly decrease competition for mobile wireless telecommunications services in Illinois and across the country," Raoul said in a statement. "With fewer companies competing, customers would face fewer choices, higher prices, less innovation and lower quality service." The prosecutors note that Illinois includes the third-most-populous city in the U.S. (Chicago) and is an important hub for the industrial, agricultural, and transportation sectors, which makes it "highly susceptible" to competitive harm.

So much for closing in 2019



T-Mobile and Sprint scored merger approval from the Department of Justice in late July, a settlement that required the combined company to spin off certain prepaid subsidiaries in addition to wireless spectrum.

## T-Mobile

In this representational image, the T-Mobile logo is displayed outside of a T-Mobile store in San Francisco, April 24, 2017. Photo: Justin Sullivan/Getty Images

The idea is to enable a new fourth wireless carrier -- DISH Network -- to be created in order to preserve competition, although critics such as the attorneys general question the viability of the proposal since DISH has no meaningful experience in deploying a cellular network nationally. It's worth noting that five of the states that are currently still part of the lawsuit (Nebraska, Kansas, Ohio, Oklahoma, and South Dakota) have signed on to the proposed settlement.

The states won a delay last month that pushed the trial to Dec. 9, with the attorneys general arguing they needed more time to investigate. T-Mobile had previously hoped to secure all of the necessary approvals in order to close the deal by the year's end, but that timeline now seems unlikely.

"We believe the plaintiffs' claims are without merit, and we intend to defend the lawsuit vigorously," T-Mobile wrote in its most recent 10-Q.

<https://www.ibtimes.com/illinois-jumps-bandwagon-block-t-mobile-sprints-merger-2821802>

## NATIONAL

NY Times: Judge Rules Terrorism Watchlist Violates Constitutional Rights

By [Charlie Savage](#)

- Sept. 4, 2019 Updated 9:59 p.m. ET

WASHINGTON — A federal judge ruled on Wednesday that a federal government database that compiles people deemed to be “known or suspected terrorists” violates the rights of American citizens who are on the watchlist, calling into question the constitutionality of a major tool the F.B.I. and the Department of Homeland Security use for screening potential terrorism suspects.

Being on the watchlist can restrict people from traveling or entering the country, subject them to greater scrutiny at airports and by the police, and deny them government benefits and contracts. In a 32-page opinion, Judge Anthony J. Trenga of United States District Court for the Eastern District of Virginia said the standard for inclusion in the database was too vague.

“The court concludes that the risk of erroneous deprivation of plaintiffs travel-related and reputational liberty interests is high, and the currently existing procedural safeguards are not sufficient to address that risk,” Judge Trenga wrote.

[\[Read the ruling.\]](#)

As of 2017, about 1.2 million people were on the watchlist, which is maintained by the F.B.I.’s Terrorist Screening Center. Although a vast majority of them were foreigners abroad, about 4,600 were American citizens who are protected by the Constitution.

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Among them, a group of 19 Americans, represented by the Council on American-Islamic Relations, filed the lawsuit charging that their inclusion violated their due process rights. Recounting tales of being detained and harassed when trying to enter the country, they argued that they did not receive notice of why they were being put on the list or an opportunity to contest derogatory claims.

The judge agreed that the current procedures were inadequate to protect their rights, granting the plaintiffs summary judgment. But he stopped short of saying what should happen next, asking the Justice Department and the lawyers for the plaintiffs to submit briefings on the difficult question of “what kind of remedy can be fashioned to adequately protect a citizen’s constitutional rights while not unduly compromising public safety or national security.”

The Council on American-Islamic Relations hailed the ruling as a “complete victory.” In a statement, Nihad Awad, its executive director, said the group’s “legal team has finally brought an end to the secretive watchlist, which is effectively a Muslim registry created in the wake of the widespread Islamophobia of the early 2000s.”

The Justice Department did not immediately respond to a request for comment. But in court, government lawyers had argued that the case should instead be dismissed. Among other things, Justice Department lawyers argued that the plaintiffs lacked standing to bring the case, and they urged Judge Trenga to defer to the executive branch’s decisions because combating terrorism was a national security matter.

The government’s use of terrorism watchlists has grown enormously since the Sept. 11, 2001, attacks, and over time, the practice — and the opaque standards and rationales by which people’s names are added to such databases — has come under harsh scrutiny by civil libertarians.

The present case involves a broad watchlist, called the Terrorist Screening Database. It is maintained by the F.B.I., but other agencies can nominate people for inclusion in the database based on intelligence that may never be shared with them.

A subset of the people on the watchlist are also put on the more restrictive No Fly List, which bars them from boarding planes in the United States or flying through American airspace. In 2014, a [federal judge in Oregon](#) ruled that the government’s use of the No Fly List to bar Americans from boarding plans was

unconstitutional, requiring the Department of Homeland Security overhauled its Traveler Redress Inquiry Program procedures.

Later that same year, Judge Trenga [struck down a use of the No Fly List](#) to keep a particular American, Gulet Mohamed, from boarding a flight home, effectively exiling him. The judge's ruling about the broader watchlist on Wednesday built on his earlier opinion, which he quoted from extensively.

Judge Trenga noted that most of the plaintiffs in the current case did not claim to be on the more restrictive No Fly List, but said their inclusion on the broader Terrorist Screening Database — which he referred to by the initials TSDB — raised similar issues because of the burden of going through the delays and humiliations of enhanced screenings that led some plaintiffs to avoid traveling.

"While inclusion in the TSDB does not constitute a total ban on international travel in the same way that inclusion on the No Fly List does," he wrote, "the wide-ranging consequences of an individual's watchlist status render it more closely analogous to the No Fly List than to the types of regulations that courts have found to be reasonable regulations that still facilitated access and use of means of travel."

He also noted that the terrorism watchlist was used for screening government contractors and was shared with state and local law enforcement agencies, which increases their risk of "being surrounded by police, handcuffed in front of their families and detained for many hours."

[Files released by the F.B.I.](#) in 2011 under the Freedom of Information Act showed that the F.B.I. was permitted to [include people on the watchlist](#) even if they had been acquitted of terrorism-related offenses or the charges are dropped.

Judge Trenga was appointed in 2008 by President George W. Bush.

<https://www.nytimes.com/2019/09/04/us/politics/terrorism-watchlist-constitution.html>

NY Times: Gregory Craig Acquitted on Charge of Lying to Justice Department

By [Sharon LaFraniere](#)

- Sept. 4, 2019 Updated 7:56 p.m. ET

WASHINGTON — Gregory B. Craig, one of Washington's most prominent Democratic lawyers, was acquitted on Wednesday of a felony charge that he lied to federal authorities about work he did seven years ago for the Ukrainian government.

The jury returned the verdict after fewer than five hours of deliberation. It was a blow to the Justice Department's effort to more aggressively crack down on undisclosed foreign influence in Washington as well as a vindication of Mr. Craig's high-risk decision to face a jury and testify in his own defense.

The case filings [exposed in detail](#) how a foreign government was able to harness Washington's industry of lawyers, lobbyists and public relations experts, an unflattering portrait that included at least \$4 million in secret offshore bank transfers from a Ukrainian oligarch to Mr. Craig's law firm.

But Mr. Craig's [guilt](#) or [innocence](#) turned solely on the question of whether he deliberately misled Justice Department officials who were investigating whether he should register as a foreign agent.

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The case was viewed as a test of the Justice Department's new campaign to enforce a once-obscure foreign lobbying law. Until about two years ago, violators of the statute, known as the Foreign Agents Registration Act, or FARA, typically received only an administrative slap on the wrist.

While Mr. Craig, 74, who served as White House counsel in the first year of the Obama administration, was not accused of violating FARA, he was accused of deceiving the officials who enforce it in an effort to avoid registering as a foreign agent.

His was one of a series of foreign lobbying-related prosecutions that sprang from [Robert S. Mueller III's nearly two-year investigation](#) of Russian interference in the 2016 presidential race. Underscoring how the eagerness to take lucrative business from foreign interests crosses party lines, the work Mr. Craig did for Ukraine was steered to him by Paul Manafort, the longtime Republican strategist who worked closely with the Ukrainian government at the time and went on to become a key figure in the Mueller investigation.

The Justice Department's focus on foreign influence cases has contributed to a wave of disclosures by lobbyists and lawyers. The number of people who have newly registered as foreign agents so far this year is more than twice the number of new registrants in all of 2010.

But some defense lawyers predicted Mr. Craig's quick acquittal after a three-week trial could dampen the Justice Department's enthusiasm for similar cases.

#### Editors' Picks

Federal prosecutors in New York have been scrutinizing the actions of at least two other well-known lobbyists who worked with Mr. Manafort on Ukraine's behalf: Vin Weber, a former Republican congressman, and Tony Podesta, the brother of John D. Podesta, who led Hillary Clinton's 2016 presidential campaign. It is unclear where those inquiries stand and whether Mr. Craig's acquittal might affect decisions by the prosecutors about how to proceed.

In Mr. Craig's case, jurors weighed his reputation as an illustrious Washington lawyer who had served two Democratic presidents against a series of electronic communications that suggested he had shaded the truth in two letters and a meeting with Justice Department officials in 2013.

At that time, department officials were investigating whether Mr. Craig and his law firm had participated in a public relations campaign to help the Ukrainian government burnish its reputation. Public relations work would have prompted a requirement that Mr. Craig register as foreign agent.

His prosecution hinged in particular on whether he had deceived department officials by failing to disclose that he had provided a New York Times reporter with an advance copy of a report that his law firm had produced for the Ukrainian government. The reporter, David E. Sanger, and a colleague [wrote an article](#) after interviewing Mr. Craig.

William W. Taylor III, one of Mr. Craig's lawyers, said that overzealous prosecutors had "hounded" his client "without any evidence and without any purpose." He said that the Justice Department's national security division pressed for Mr. Craig's indictment even after federal prosecutors in New York decided the evidence did not warrant it. Before the trial started, [the judge threw out](#) one of the two counts against Mr. Craig.

"The question that you need to ask is not why this jury acquitted Mr. Craig, but why the Department of Justice brought this case against an innocent man in the first place," Mr. Taylor said. "It's a tragedy, it's a disgrace and we are glad it is over."

Mr. Craig, smiling broadly outside the courthouse, thanked the jurors, his family, his friends and his lawyers.

One juror, Michael G. Meyer, said that while some jurors were "very disturbed" by Mr. Craig's conduct, "the law was presented to us in a very narrow fashion" that ruled out conviction.

Because the statute of limitations had run out to hold Mr. Craig accountable for any actions before October 2013, jurors were limited to considering whether he deceived federal officials during the three-month period that followed. Mr. Meyer said that four jurors switched their votes from guilty to not guilty after the panel sent a note to the judge to verify the limited time frame.

"Based on that very narrow thing, we couldn't find anything he had done that warranted finding him guilty," he said. Mr. Meyer added that Mr. Craig, in testifying in his own defense, came across as "very credible."

Mr. Craig's defense team insisted that prosecutors had concocted a charge out of a few minor omissions of facts that Mr. Craig was never under any obligation to reveal. "Mr. Craig is not the kind of person who would lie to a U.S. government agency, not after a 50-year career based on character and trust," another of his lawyers, William Murphy, told the jurors.

Prosecutors said Mr. Craig gave in to hubris and self-interest, hiding the truth of his media contacts, not only from the Justice Department, but from his own firm's general counsel. Fernando Campoamor-Sanchez, one of the prosecutors, described Mr. Craig's final letter on the matter to the Justice Department as a "masterpiece" of lies and half-truths.

"If you read the letter," he argued, "you will find contempt for the FARA unit."

The FARA unit's inquiry concerned a 2012 report that Mr. Craig and his law firm — Skadden, Arps, Slate, Meagher and Flom — produced for the Ukrainian government, then led by Viktor F. Yanukovich. Mr. Craig and his fellow lawyers were hired to review Ukraine's prosecution of an opposition leader who had recently been sentenced to seven years in prison on corruption charges — a case that the United States and other Western nations had condemned as politically motivated. Mr. Yanukovich and his allies hoped the Skadden report would blunt criticism of the prosecution from the West.

The report, which earned the law firm \$4.6 million, concluded that while the opposition leader's rights had been violated at trial, her conviction was backed by evidence.

Prosecutors claimed that Mr. Craig concealed his role in helping Ukraine promote the report because registering as a foreign agent would have limited his prospects for further government service and

damaged his reputation. They argued that he deliberately lied when he told Justice Department officials that he had responded to inquiries from reporters only to correct already published mischaracterizations of the report.

In fact, he had contacted Mr. Sanger, offering him an advance copy of the report and an interview about its findings two days before its publication.

But Mr. Craig's lawyers described those complaints as niggling. They pointed out that federal officials kept no notes of a meeting during which Mr. Craig supposedly lied to them. They dismissed Rick Gates, one prosecution witness, as a "congenital liar" and described another key witness as a liar by trade.

And they questioned why, if the entire case rested on Mr. Craig's interactions with Mr. Sanger, prosecutors never called the reporter to testify. The New York Times was expected to fight to quash any subpoena, as a matter of principle.

Another key witness was also missing: Prosecutors ruled out testimony from Mr. Manafort, who as a consultant to Mr. Yanukovych had commissioned Skadden's report. Mr. Manafort, who later served as President Trump's 2016 campaign chairman, is now [serving a seven and a half year prison term](#) for fraud and other crimes, including trying to persuade witnesses against him to lie.

Mr. Meyer, the juror, said he was "deeply offended" by Mr. Craig's indictment, given the breadth of other misconduct that was investigated by Mr. Mueller's office. Although it did not initiate the case, it referred the allegations against Mr. Craig to other federal prosecutors.

"I could not understand why so many resources of the government were put into this when in fact actually the republic itself is at risk," said Mr. Meyer, a specialist with a government consulting firm.

"This was a gnat," he said. "How did this get to the front of the line?"

<https://www.nytimes.com/2019/09/04/us/politics/gregory-craig-acquitted.html>

## STATE

Albany Times Union: New York bill would ban 24-hour workdays for home health aides  
Aides say they are being forced to work through mandatory meal and sleep breaks

By Bethany Bump Updated 6:37 pm EDT, Wednesday, September 4, 2019

NEW YORK — A pair of downstate lawmakers [introduced legislation Wednesday](#) that would ban 24-hour workdays and bolster working conditions for home health aides and other workers who provide care to the elderly, ill and disabled at home.

The legislation, sponsored by state Sen. Roxanne Persaud and Assemblyman Harvey Epstein, comes more than six months after New York's highest court [upheld a state Department of Labor regulation](#) that allows home health care workers to get paid for only 13 hours of a 24-hour shift, so long as they are afforded an eight-hour sleep break and three hours of meal breaks.

But home health care aides say they are forced to work through those breaks, and that the state's so-called "13 Hour Rule" has allowed their employers to get away with not paying them for every hour worked.

The bill introduced Wednesday would ban the 24-hour workday and require employers to implement split shifts of no more than 12 hours for patients who require around-the-clock home care.

It also prohibits employers from punishing workers who refuse to work overtime, and allows them to bring civil action against any employer who violates this right.

The bill has been framed as a win for both workers and patients.

"When home care workers are too fatigued or become chronically ill from lack of proper rest and sleep, care recipients — those approved for 24-hour care and among the neediest of clients — are less likely to receive proper treatment and safe care," the bill justification text reads.

The Home Care Association of New York State, which represents employers and industry interests, suggested Wednesday that the bill's requirements could be difficult to implement since the majority of home care workers are paid through Medicaid, a state-funded program.

"As a result, the state's Medicaid expenditures for home care worker wage liabilities would have to increase many-fold to cover any new cost obligations that this bill would cause at a time when the state is otherwise looking to constrain Medicaid spending," HCA spokesman Roger Noyes said.

A media advisory about the bill states that there are currently 239,500 home care workers in New York, many of them women and immigrants. Approximately 8 percent of them work 24 hours a day, multiple days in a row, it states.

"With the growing population of those who need home care, this number is likely to grow," it reads.

This bill encompasses workers whose titles are home care aide, home health aide, personal care aide, personal care attendant or home attendant, and other licensed or unlicensed individuals whose primary responsibility includes providing in-home help with activities of daily living.

<https://www.timesunion.com/news/article/New-York-bill-would-ban-24-hour-workdays-for-home-14414119.php>

Albany Times Union: Push to change state law hindering rape prosecutions  
New legislation addresses consent

By David Lombardo Updated 5:47 pm EDT, Wednesday, September 4, 2019

ALBANY — New York laws could be enabling rapists to avoid prosecution in cases where their victims are intoxicated or under the influence of drugs, according to the state's district attorneys.

The loophole stems from the state's definition of who can't give consent for a sexual act, which doesn't cover someone who is impaired — but remains conscious — due to voluntary intoxication. The law protects victims who are rendered unconscious due to intoxication or become impaired as a result of substances administered without their consent.



Because of the omission, a defendant can claim a victim consented to sexual activity even though they weren't thinking clearly.

"Perpetrators of sexual assault should not be shielded from prosecution just because the victim voluntarily consumed drugs or alcohol," reads a memorandum prepared for state lawmakers by the District Attorneys Association of New York State.

The group wants state law amended so prosecutors can bring charges in instances where a reasonable person should have known that a person was unable to give consent due to the influence of alcohol or drugs.

Schenectady County District Attorney Bob Carney, a Democrat, said that type of situation often presents itself on college campuses. He said the laws governing consent should be updated, but warned that changes could be "tricky" and need to be approached carefully.

"It's a difficult line between consent and lack of consent when alcohol is involved," Carney said.

Sen. Alessandra Biaggi, a Westchester County Democrat, believes she found the right balance with legislation that expands the penal code's definition of "mentally incapacitated" to include a person who is voluntarily intoxicated.

The proposal would also amend state law to specifically state that a victim's voluntary intoxication can't be used as a defense in sex crime cases.

Biaggi introduced the legislation after the issue was raised in an [investigative report that highlighted Manhattan District Attorney Cy Vance's concerns about the way state law is written](#).

"It was really surprising to me that I didn't know about this," said Biaggi, who has championed similar issues during her brief tenure at the Capitol.

When she began reading the law that was on the books, the lack of female pronouns caught her attention. "An alarm bell goes off that this has to be updated," she said.

She added that the gap in the existing law allows for "victim blaming," and contends that amending the language is part of a cultural shift that needs to be embraced.

"My hope is that we'll see more abusers brought to justice," Biaggi said.

State district attorneys also want to update the definition of consent for passengers in ride-sharing vehicles, like Uber and Lyft, or taxis. They propose making it illegal for drivers of for-hire vehicles to have sex with their passengers.

"The vehicles should be safe havens for the passengers – not settings in which their vulnerable states can be exploited for the sexual gratification of drivers," reads the memorandum from DAASNY.

The organization says that type of protection is similar to the way consent is considered for doctors and patients or prison officials and people in their custody.

"This bill would similarly bring reason to solving a growing public safety threat," reads the memo.

<https://www.timesunion.com/news/article/Push-to-change-state-law-hindering-rape-14413085.php>

Associated Press: Inmates suing NY prison system for taking pain pills away

By Associated PressSeptember 4, 2019

ALBANY, N.Y. — A group of inmates is suing the New York state prison system over its efforts to crack down on prescription drug abuse, saying they are being forced to live with chronic pain because some medications have become too difficult to get behind bars.

The lawsuit, filed in federal court Monday, takes aim at a policy launched in 2017 that requires an extra layer of approval by senior prison system medical staff before inmates can get prescriptions filled for commonly abused and overused drugs.

In reality, those approvals are rarely given, the lawsuit said, leading to hundreds of prisoners being cut off from drugs used for legitimate medical reasons.

“The wholesale denial of these medications especially effects an already vulnerable population: one that includes patients with severe spinal and neurological issues, phantom pain from amputations, multiple sclerosis and serious, chronic pain,” the lawsuit said.

The Department of Corrections and Community Supervision declined a request for an interview with officials who could discuss the medication policy in detail, but spokesman Thomas Mailey said in a statement that the agency is “committed to battling the opioid epidemic and stemming the tide of addiction which has greatly affected incarcerated individuals in the Department’s custody.”

Eighteen prisoners are listed as plaintiffs in the suit. Many complained about restricted access to two drugs, the opioid painkiller tramadol, sold under the brand name Ultram, and the nerve pain and anti-convulsant medication gabapentin, sold under the brand name Neurontin.

Gabapentin isn’t a controlled substance on the federal level, but a growing number of states have taken steps to more closely monitor its use because of evidence it is being used by huge numbers of opioid addicts to make their high more potent.

It is increasingly being discovered in the blood of people who have fatally overdosed on opioids. Simultaneously, it has become one of the most commonly prescribed drugs in the U.S.

Health officials in several countries have also documented widespread abuse of gabapentin in jails.

The New York lawsuit includes several prisoners who say they need the drug and other painkillers for legitimate reasons

The suit said one of them, Angel Hernandez, 57, had been taking Ultram and Neurontin for years to control pain, numbness and a burning sensation from a degenerative spine problem and other ailments but was cut off from both drugs in 2017.

His “medical records are full of his complaints of severe and unmitigated pain and suffering. Nothing was done,” the lawsuit said.

Another plaintiff in the suit, Wayne Stewart, 40, said he had chronic pain after injuries from a shooting in 2003 that left five bullets lodged in his body, including his head and the base of his spine. The gunshot wounds left him paralyzed from the waist down. He has also suffered from a pelvic bone infection.

The suit said Stewart's prescription for extended-release morphine was discontinued in favor of a far less potent dose of Percocet, which contains the opioid oxycodone. Then the Percocet prescription was also discontinued without cause.

"To this day, Mr. Stewart continues to live with chronic, untreated pain," the lawsuit said.

Pain management in prisons and jails is complicated due to concerns of prescription diversion and misuse, said Lipi Roy, a clinical assistant professor at NYU Langone.

Roy described pain as a complex problem with many causes such as injury and emotional trauma, something that makes it difficult to manage and diagnose. She said doctors can use vital signs, a patient's history and other tools to diagnose pain, but she also noted that health care professionals learn little about pain management during their training.

<https://nypost.com/2019/09/04/inmates-suing-ny-prison-system-for-taking-pain-pills-away/>

## LOCAL

NY Daily News: Critics hit city proposal to overhaul Gifted and Talented program as de Blasio promises review

By MICHAEL ELSEN-ROONEY

NEW YORK DAILY NEWS |

SEP 04, 2019 | 6:19 PM

Critics of a recommendation to overhaul the city's Gifted and Talented program hardened their opposition Wednesday, and Mayor de Blasio promised a thorough review of the proposal.

Six city council members rallied from the steps of city hall urging the mayor to expand the elementary school fast track, rather than replace the classes with the non-selective, schoolwide enrichment programs the panel called for.

"I have been fighting for years to expand this program, particularly to underserved communities, and I am not going to let that progress be rolled back," said City Council Member Robert Cornegy (D-Brooklyn), who organized the rally.

The Gifted and Talented program, which admits students through a single test taken at age 4 and lasts through fifth grade, has come under fire for enrolling a tiny share of black and Latino students.

Hizzonner promised to give the proposal, which also includes overhauling the middle school admissions process, careful consideration this school year after talking with parents, teachers and experts.

"This is a very, big complicated discussion that we need to do systematically in this city and involve stakeholders from all over the city, starting with parents," de Blasio said.

Critics of the city's current program point out few districts test kids at age four. De Blasio said criticisms of the test are a "fair concern."

City Council Member Peter Koo (D-Queens), who supports keeping the test as is, said "blaming G&T programs for a lack of diversity when this kind of disparity exists across the city is disingenuous."

Calls from city leaders including Brooklyn Borough President Eric Adams and Bronx Borough President Ruben Diaz Jr. to expand gifted testing also got a boost from state politicians. Assemblywoman Nily Rozic (D-Queens) and State Senator Ann Stavisky (D-Queens) have a bill in front of the state legislature that would require districts to screen students for advanced programs in third grade.

<https://www.nydailynews.com/new-york/education/ny-gifted-de-blasio-schools-20190904-kfnxvcgprjf7pajugummaof7m-story.html>

NY Post: New school year opens with controversies and questions

By Selim Algar September 4, 2019

With the Department of Education agitating for fundamental changes at the nation's largest school system, more than 1 million kids and their parents will enter a new academic school year Thursday loaded with questions and controversies.

Overtly making "equity" his central mission, Schools Chancellor Richard Carranza has pushed for a series of polarizing changes to undo stark racial separation in city classrooms.

While a plan to remake admissions to the specialized schools stalled, [Carranza has vowed to press on](#) with the fight to junk the single-test entry system. Asian parent groups — whose kids predominate the elite schools — are preparing for another battle over the plan this academic year.

Several city districts — including Park Slope's District 15 — will continue to phase in diversity programs this year, including the abolition of academic screening at middle schools. Parents are preparing for the various impacts of those changes — with some predicting eventual departures should traditionally high-achieving schools see their metrics decline. While the District 15 plan enjoys wide support, detractors have questioned the pace and rollout of the new measures.

City charter schools are at a crossroads entering the 2019-2020 school year. While demand remains at an all-time high, a [stifling state seat cap](#) has halted expansion outright. Mayor Bill de Blasio has become increasingly outspoken in opposing the sector's enlargement, and Success Academy is already girding for another space battle with City Hall in the coming weeks. Charter officials fear a further loss of momentum and worry about an increasingly overt hostility toward school choice among leading Democrats at the national level.

The DOE will introduce a new set of disciplinary policies this year to further decrease suspensions and arrests in city schools. The new rules prohibit lengthy suspensions and urge teachers to favor less punitive measures when dealing with misbehaving students. Backers cite racially disproportionate

suspensions in pushing for the changes while critics argue that school safety and classroom order are suffering. The DOE has touted dropping school crime numbers — but [weapons confiscations hit multi-year highs](#) last year.

Special education parents [mounted a revolt last year](#), accusing the DOE of illegally failing to suitably accommodate and educate their children. The DOE has paid out millions in legal settlements and pressure has mounted to stem those payouts — and growing parental outrage. Legions of parents decried a disastrous school transportation debacle at the beginning of last year that saw countless city kids — many of them special education students — stranded on buses or left waiting for vehicles that never arrived. There will be intense pressure on the DOE to improve on that performance this year.

After spending \$800 million on a Renewal school initiative that [wheezed to an unsightly end](#) earlier this year, critics will be monitoring the fate of former participants this upcoming year. City Hall conceded that some schools in the program will be shuttered, but vowed to continue support for others. But details have been scant and the schools will be under a microscope.

<https://nypost.com/2019/09/04/new-school-year-opens-with-controversies-and-questions/>

NY Times: 4 Jails in 5 Boroughs: The \$8.7 Billion Puzzle Over How to Close Rikers

By [Matthew Haag](#)

- Sept. 4, 2019 Updated 7:17 p.m. ET

Everyone from the governor to the mayor to criminal justice advocates agree that the Rikers Island jail complex, one of the country's largest urban prisons, is irretrievably broken, with a long history of [violence and abuse against a largely minority inmate population](#).

But while elected leaders in New York have pledged to close Rikers, a plan embraced by Mayor Bill de Blasio to replace the jail has set off fervent opposition as it enters a critical phase.

The plan calls for shuttering Rikers and moving inmates to four smaller jails in neighborhoods across the city.

But a major sticking point has emerged over the potential size of the Brooklyn jail, which would be among the borough's tallest buildings, and the location of the Bronx facility, which would be far from the courthouse.

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Some criminal justice advocates have gone so far as to oppose any new replacement jails, arguing that they would perpetuate widespread incarceration without addressing the underlying factors that cause people to be arrested and jailed.

"Why are we going to allow mass incarceration that we know is connected to slavery and racism and white supremacy to thrive in New York City by building new jails?" asked Brittany Williams, 30, a

community organizer who is part of a group called No New Jails NYC. “The city has failed for decades to hold themselves accountable for how people are being treated once they are incarcerated.”

For the first time, the City Council will get a chance on Thursday to formally weigh in on the proposal, which would create jails of similar size in four of the city’s five boroughs.

The hearing, which will be held by members of a land-use subcommittee, could be one of the last public forums before the Council decides its fate in mid-October.

Despite opposition over the location of some of the new jails, the overall plan has won the support of several key Council members [whose districts will host](#) the new sites. The new jail system is expected to cost around \$8.7 billion and take up to a decade to complete.

The City Council speaker, Corey Johnson, whose position could determine the outcome, has not publicly revealed his view of the plan.

“There is a broad consensus in New York City that we need to close Rikers,” said Jennifer Fermino, a spokeswoman for Mr. Johnson. “But we also need to make sure that the proposals for borough-based jails serve our communities. We are reviewing all of the feedback we have received and look forward to continuing to hear from the public.”

The latest effort to close Rikers has been in the works for years, [following promises by Mr. de Blasio](#) to reduce the inmate population and to create a smaller and more humane jail system as part of a broader effort to transform the city’s criminal justice system.

The plan cleared a major hurdle on Tuesday, when a majority of the city’s Planning Commission approved the necessary zoning changes to allow for the new facilities.

“The era of mass incarceration didn’t begin in New York City — but it will END here,” [Mr. de Blasio wrote on Twitter](#) after the vote on Tuesday.

While the closing of Rikers appears closer to reality than ever before, the proposal has recently encountered [the same kind of grass-roots opposition](#) that doomed past efforts.

In the days before the Planning Commission’s vote, some neighborhood groups began mobilizing its members to encourage the City Council to rewrite the final plan.

Over the decades, Rikers Island, a sprawling network of jails on 400 acres on the East River, came to symbolize the country’s practice of mass incarceration and a criminal justice system that critics say is biased against African-Americans and Hispanics.

It gained a notorious reputation for squalid conditions, rival gang wars and brutal force against inmates by correction officers. The officers themselves have long complained of [unsafe conditions](#) that have exposed them to attacks.

At its peak, in 1991, Rikers housed an average of more than 21,000 people nightly, during the height of the city’s crack epidemic. The population has dropped to historic lows — 7,290 inmates in July — with the [decrease in crime in the city](#) and changes in how quickly cases can be adjudicated.

The improved conditions at Rikers, city leaders have argued, make it an ideal time to overhaul the city’s jail system.

The plan that the City Council will review on Thursday would establish four jails — one each in the Bronx, Brooklyn, Manhattan and Queens. Staten Island would not have a jail because residents there have over the years represented a tiny percentage of inmates at Rikers, a city report said.

Each jail would have the same number of beds, 1,437, and provide services for inmates who require medical and mental health treatment. A significant part of the project, however, remains up the air: what the new jails might look like.

The city has released rudimentary sketches of the sites, as well as possible dimensions, but the facilities have not been fully designed. What the city has made public shows that the jails could be significantly larger than the properties they would replace.

The jail in Brooklyn, which would replace the existing Brooklyn Detention Complex in Downtown Brooklyn, could climb to 395 feet. The existing detention center is about 220-feet tall.

In Manhattan, a jail that could be 450-feet tall would replace the much smaller Manhattan Detention Complex on White Street. The jail in Queens, which could be 270-feet tall, would sit on the property currently housed by the decommissioned Queens Detention Complex on 82nd Avenue.

The setup would fix a chief complaint of Rikers — that the island is so isolated that it is challenging for family and legal representatives to visit inmates and for corrections staff members to get to work. The new facilities, except for the one in the Bronx, would also be within a few hundred feet of courthouses.

The location of the Bronx site, on city-owned property that has been a New York Police Department tow pound, has become a flash point. The site is two miles from the Bronx Criminal Court.

“The administration has weaponized the land use process against the Bronx in order to protect their plans to build a new jail on the wrong site,” the Bronx borough president, Ruben Diaz Jr., said in a statement after the Planning Commission’s vote.

The city considered locating the Bronx jail on property near the courthouse, but [the site was opposed by the City Council member](#) who represents the area. Councilwoman Diana Ayala, who represents the area with the tow pound, [supports the jail center](#).

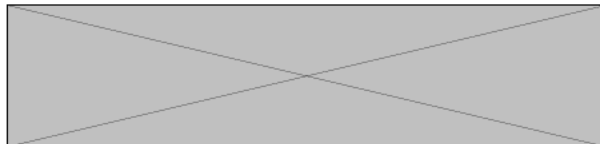
<https://www.nytimes.com/2019/09/04/nyregion/rikers-island-jail-closing.html>



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**From:** City & State[tech@cityandstateny.com]  
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[Amazon considers Brooklyn expansion... New York announces AI commission ... and more of today's tech news](#)

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THURSDAY, JULY 25, 2019


### **MTA pushes biometric timekeeping at heated board meeting**

At a meeting of the Metropolitan Transportation Authority on Wednesday, board members voted to approve the controversial overhaul plan presented by consulting firm AlixPartners. Additionally, a number of other proposals were approved in the MTA's July financial plan. Among them: a boost of up to \$20 million for the MTA's **efforts to crack down** on excessive overtime through a modification to the MTA's contract with Kronos Inc., a Massachusetts-based company that provides time and attendance systems like biometric time clocks.

An earlier contract with Kronos was for \$16,783,066 to provide time clocks and additional support material for time and leave management of roughly 26,000 employees. But this spring, the Empire Center released a report detailing widespread overtime abuse at MTA agencies, prompting an investigation and a mandate for biometric time and attendance systems across the board. To fund that expansion, the MTA is more than doubling its contract with Kronos. The contract modification approved this week – up to \$20 million for additional deployments of the company's software, hardware, and services – bumps the contract's total value to more than \$36 million and will cover more than 70,000 employees.

Still, as new biometric clocks rolled out earlier this year, apparently disgruntled employees proved that the new system isn't impervious to abuse. In June, MTA officials found that one of these biometric clocks was sabotaged with a cut cord at a Long Island Rail Road station. Later that month, the **screen of another Kronos device was found smashed** at a train yard in Brooklyn.

– **Annie McDonough**



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## THE LATEST

### **Amazon considers Brooklyn expansion**

Amazon may have rejected Queens earlier this year. But it wants to grow in Brooklyn, where it's searching for a massive space to turn into a logistics facility that will enable the company to quickly deliver orders to customers. ([Crain's New York Business](#))

### **New York announces AI commission**

Gov. Andrew Cuomo announced the creation of the New York State Artificial Intelligence, Robotics and Automation Commission July 24, signing into law Senate and Assembly companion bills associated with the group. ([Government Technology](#))

### **De Blasio: AOC didn't repel Amazon**

Mayor Bill de Blasio insists it was Amazon – not U.S. Rep. Alexandria Ocasio-Cortez – that sold New York City down the river, although he continued to maintain during an appearance on CNN that Ocasio-Cortez's position was "wrong." ([Crain's New York Business](#))

### **Vanel announces initial crypto task force members**

Assemblymember Clyde Vanel announced that the legislature has selected three chief executives from blockchain startups, two members of industry think tanks, and a regulatory expert in the field to join the state's Digital Currency Task Force. ([Coindesk](#))

### **Byford takes responsibility for subway failure**

New York City Transit President Andy Byford took full responsibility on Wednesday for the subway fiasco that stranded tens of thousands of riders during the heatwave, saying a software upgrade that was scheduled for later this summer would have prevented it. ([Daily News](#))

### **Council could ban helicopter flights over NYC**

On the heels of a helicopter crash over Midtown last month and companies like Uber launching helicopter services to nearby airports, New York City Councilmembers introduced legislation that would ban all non-essential helicopter travel over the entirety of the five boroughs. ([Crain's New York Business](#))

**City & State's Protecting New York summit** will offer industry executives, public sector leaders and academics the opportunity to share ideas about New York's security strategies. Franco Cappa, the Cyber Security Advisor at the U.S. Department of Homeland Security, will be delivering one of the keynote addresses that will be followed by a panel on 'Cybersecurity in a Rapidly Changing Tech Environment'. **Join us** July 31st at the Museum of Jewish Heritage. **Use the code FirstRead at check out for a 20% discount. Get tickets today!**

### **U.S. poised to approve T-Mobile-Sprint merger**

The Justice Department is poised to approve T-Mobile's merger with Sprint under a plan designed to create a new wireless carrier by handing assets to satellite-TV provider Dish Network. ([The Wall Street Journal](#))

### **California privacy bill could be changed**

Formed in the image and spirit of the European Union's privacy law, the California Consumer Privacy Act has been lauded as a comprehensive law, but some new legislation could reshape key areas of the soon-to-be-enacted law. ([Government Technology](#))

## **OPINION**

### **Subway problems need a reboot**

It's the responsibility of the New York City Transit Authority and boss Andy Byford – and, ultimately, the man at the top of the food chain, Andrew Cuomo – to deliver reliable transportation. If the tech doesn't work, get a refund or get new tech or both. But just keep the trains running. ([Daily News](#))

## **ANALYSIS**

### **Revenge porn law is a flawed step forward**

Unlike other revenge porn laws, New York's version signed into law this week includes private right of action in addition to criminal penalties. It's undoubtedly progress – but also an object lesson in how U.S. legislators fail to fully understand

the problem they're trying to solve. ([Wired](#))

## PROFILES

### **AI app targets maternal health disparities**

The team that launched the ACLU's Mobile Justice app is getting ready to launch Radical Relay, an app that relies on the machine-learning capabilities of IBM's Watson artificial intelligence system to help guide women through pregnancy. ([The City](#))

## MILESTONES

**MOVING ON:** Former vice president of Civic Entertainment Group, **Danny Harris**, has been [named](#) the next executive director of Transportation Alternatives.

**HAPPY BIRTHDAY:** To **Hugo Teufel**, chief privacy counsel at Raytheon ... and to WAMC's **Alan Chartock**.

## THIS WEEK'S EVENTS

July 25 – [Silicon Alley NYC Tech and Startup Summer Mixer](#) (7 E. 36th St., Manhattan)

July 29 – [Premier Talks: Women in Technology](#) (902 Broadway, Manhattan)

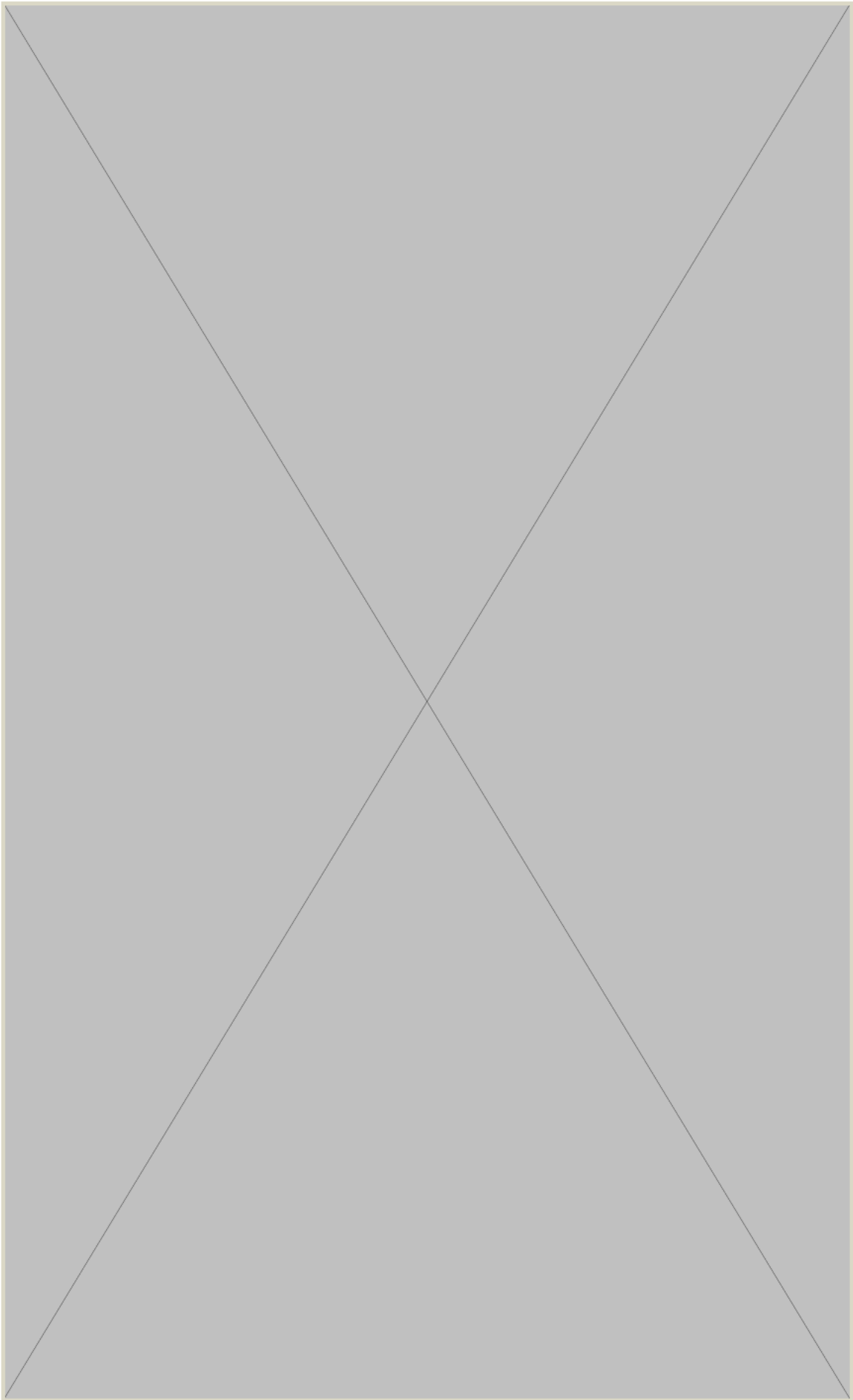
July 29 – [Regulating & Investing in the Future of Mobility](#) (29 Little West 12th St., Manhattan)

July 30 – [Startups x Brick & Mortar: Trends, Challenges & Opportunities](#) (29 Little West 12th St., Manhattan)

July 31 – [Brunchwork After Hours w/ Google & WeWork](#) (10 E. 21st., Manhattan)

July 31 – [Startup and Entrepreneur Diversity Event at Microsoft](#) (11 Times Square, Manhattan)

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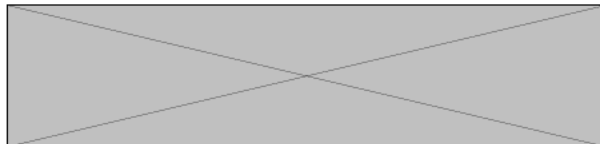
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Protesters crash Amazon event ... Hackers target Monroe College ... and more of today's tech news

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FRIDAY, JULY 12, 2019

### Amazon tax breaks debate continues

It's the story of the year – and it just won't die. A [report in The Wall Street Journal](#) this week highlighted the fact that despite Amazon's decision to pull out of a planned headquarters in Queens, several technology companies – Google, Facebook, and Amazon among them – are expanding, or are rumored to be doing so, in New York City.

Earlier this year, public backlash to the \$3 billion incentive package offered by the city and state to Amazon reached a boiling point, resulting in Amazon's retreat from a planned Long Island City headquarters. And while many in the tech and real estate industries mourned the loss of Amazon and its potential to grow New York's tech sector, some critics of HQ2 are pointing to the recent interest in New York real estate as proof that the city doesn't need corporate subsidies and tax breaks to grow the tech economy.

"Well, just as we said, Amazon quietly came to NYC without needing a dime of public money or special tax treatment," U.S. Rep. Alexandria Ocasio-Cortez, a fervid HQ2 critic, [tweeted on Thursday](#). "The jobs came without the cost. NYC is an attractive place to locate on its own (incl. public infra!), w/o billions of dollars in corporate giveaway 'incentives.'"

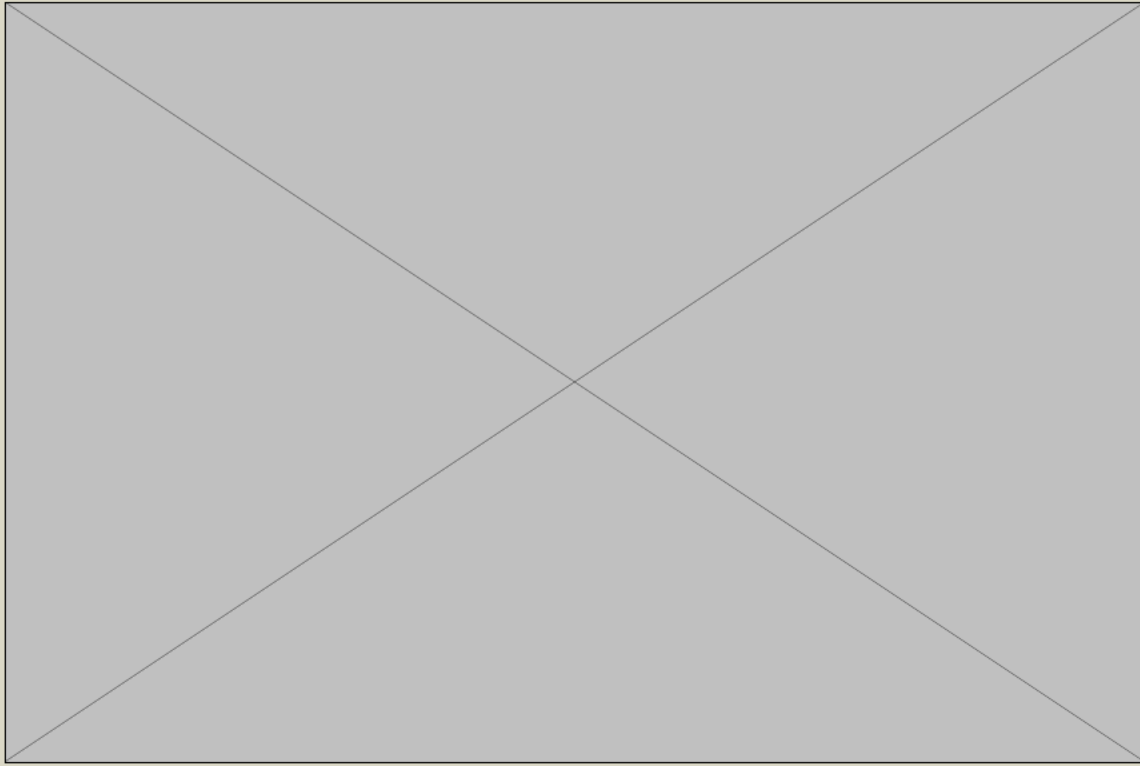
State Sen. Michael Gianaris, another vocal Amazon critic, [chimed in](#) with a simple but potent, "Mmm hmmm...." in response to the article.

But some warn against throwing the idea of incentives out the window altogether. Emil Skandul, founder of the technology firm Capitol Foundry, pointed to the state's Excelsior Jobs Program, which [qualified Amazon for \\$1.2 billion](#) in tax credits if it created and retained 25,000 jobs, pointing out that the credits have been used to help lure other tech companies to New York City. Netflix announced an expansion into Brooklyn earlier this year and [will be eligible](#) for \$4 million in Excelsior Jobs Program tax credits if it creates and retains over 100 new high-paying jobs. Software-as-a-service company Yext was also offered up to \$6 million through the program if it



creates and retains new jobs. Yext said it expects to hire 500 people in New York over the next five years. "We're living in a globally competitive world, and we're not just competing with other states and other cities, so it's really hard to say no entirely to incentives," Skandul said. "They should absolutely be used sparingly, but it's shortsighted to say that they should never be used at all."

— *Annie McDonough*



SHUTTERSTOCK

## THE LATEST

### **Protests shake up Amazon event**

Protesters disrupted the Amazon Web Services Summit at the Jacob K. Javits Convention Center on Thursday, voicing opposition to Amazon's ties to entities that enforce the Trump administration's crackdown on illegal immigration. ([The Wall Street Journal](#))

### **Hackers target Monroe College**

Monroe College is "under cyberattack" by hackers who demanded approximately \$2 million in bitcoin, police and school officials said Thursday, after the school's computer programs were hacked around 6:45 a.m. Wednesday by a group that got in through ransomware and halted the system. ([New York Post](#))

### **State finalizes agreement with Charter Spectrum**

The Public Service Commission voted 3-1 to approve a compromise reached with Charter Spectrum in April, after years of fighting over the cable company's expansion of high-speed internet across New York. ([Democrat & Chronicle](#))

### **Suffolk County tables license plate readers**

County legislators have delayed a plan to install nearly 70 license plate readers in Brentwood and Central Islip over concerns about their use, even though the county police chief said they would help solve crimes and curb gang activity. ([Newsday](#))

### **Gjonaj requests probe into Grubhub**

New York City Councilman Mark Gjonaj has asked New York Attorney General Letitia James to open an antitrust investigation into Grubhub and to revisit the terms of a 2013 settlement agreement that cleared the way for Grubhub's acquisition of Seamless. ([New York Post](#))

**BetaNYC + NYC's Open Data Team + Queens Public Library** are looking to diversify NYC's open data expertise! We are looking for people who want to learn how to teach data AND want to help us deploy trainings to Queens. Deadline to apply to be an NYC Open Data Ambassador is Tuesday, July 16th, midnight EST. For more information or to apply, [click here](#).

### **White House looking at new French tech tax**

The Trump administration said it would pursue an investigation into whether France's new tax on revenue from companies providing digital services to French users amounted to an unfair trade practice that could be punishable with retaliatory tariffs. ([The New York Times](#))

### **Amazon will retain a third of U.S. workforce**

Amazon said it plans to spend \$700 million over about six years to retrain a third of its U.S. workforce as automation, machine learning, and other technologies upend the way many of its employees do their jobs. ([The Wall Street Journal](#))

### **Trump rails against social media "bias"**

At the White House Social Media Summit, President Trump denounced the world's top social media companies as being biased against him and his supporters and pledged that his administration will be exploring "regulatory and legislative solutions" to protect free speech online. ([The Hill](#))

## **OPINION**

### **New York's financial institutions need to get cyber-ready**

The New York State Department of Financial Services has determined cyber to be the No. 1 threat within its jurisdiction, making cybersecurity compliance certification mandatory for financial services firms. While the agency provides ample material outlining these regulations, it offers minimal direction in how to lower cyber risk. (Warren Zafrin, [Crain's New York Business](#))

## **The career and technical education disconnect**

Despite the current enthusiasm for career-oriented education, very few young New Yorkers are actually doing it in a meaningful way. It's critical that the local business and education communities join hands to point more students in fruitful directions. (Cameron Sublett and David Griffith, [Daily News](#))

## **ANALYSIS**

### **HQ2 upending housing in Northern Virginia**

Amazon has yet to break ground in Northern Virginia for its second headquarters, but residents are already turning away persistent speculators, recalculating budgets for down payments on homes and fighting rent increases. ([The New York Times](#))

## **PROFILES**

### **The YouTube candidate**

Joey Saladino – better known as Joey Salads – is a notorious content creator known for pumping out controversial stunts and “social experiments” on his YouTube channel. Now, he’s hoping his internet popularity will help him win a congressional seat representing Staten Island. ([The Verge](#))

## **MILESTONES**

**HAPPY BIRTHDAY:** To **Amy Zimmer**, head of content strategy at Localize ... to **Mark Belinsky**, co-founder of Digital Democracy and founder and former CEO of Birdi ... on Saturday, to **Jordan Stein**, founder and principal at CityMatters ... and on Sunday, to **Julie Wood**, head of communications at Lyft Bikes & Scooters.

## **THIS WEEK'S EVENTS**

July 15-16 – **ISG Automation Summit New York** (270 W. 43rd St., Manhattan)

July 16 – **Trailblazing and Innovating in Law and Leadership In-House** (599 Lexington Ave., Manhattan)

July 16 – **Women in Fintech: Engineering and Data Science** (54 W. 21st St.,

Manhattan)

July 16 – **CannaGather Social Equity & Justice** (303 Spring St., Manhattan)

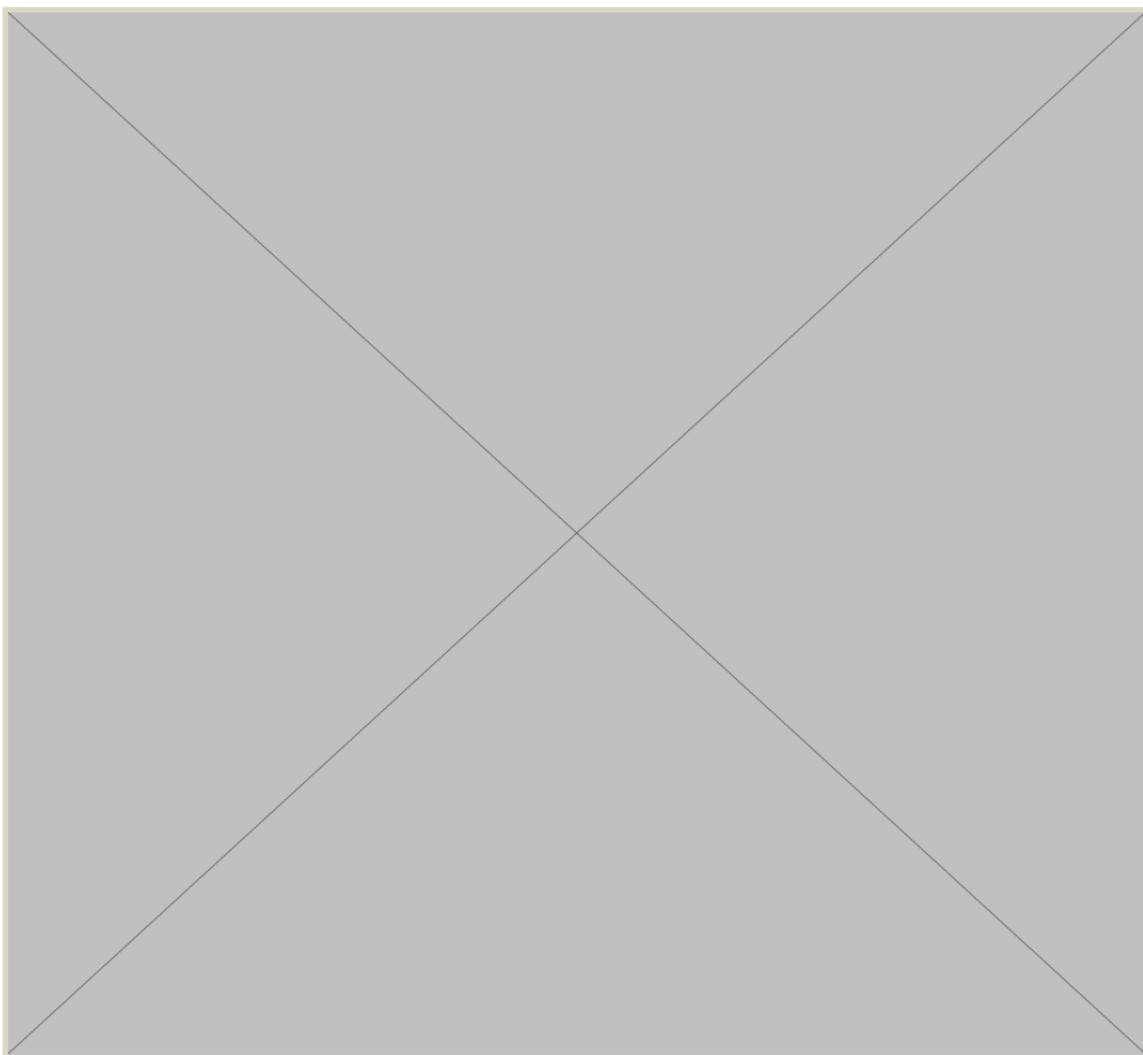
July 16-17 – **Dash: Scale Up, Speed Up** (Pier 60, Chelsea Piers, Manhattan)

July 18 – **The New York Times and The Product Guy: brunchwork After Hours**  
(29 Little West 12th St., Manhattan)

July 18 – **Banking on Blockchain: Exploring Decentralization** (10 E. 21st St.,  
Manhattan)

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## TOP TWEET



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For more information or to apply, [click here](#).

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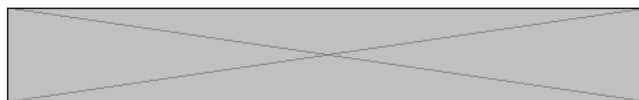
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*Nonprofit machine learning ... Impending ICE raids ... DREAM Act goes live*

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**THURSDAY, JULY 11, 2019**

A new study used machine learning to survey the national nonprofit sector. **Fast Company** reports that there are roughly 1.4 million nonprofits across the country, with significant regional differences that help determine what types of needs organizations are trying to meet. Serving “vulnerable populations” is the top goal in New York, where nonprofits are not as well-funded as in other states. Other factors make Big Apple nonprofits different than those in other areas of the country. “In New York, culture creeps into the top four in terms of most numerous organization types, likely reflecting the prevalence of arts organizations and other creative industries in New York City,” the report states.

The study, highlights of which can be accessed [here](#), defined nonprofits by analyzing their mission statements for keywords and dividing them accordingly among 15 topic areas – all based on 2017 IRS disclosures. One key takeaway from the report: “Groups tackling the most common problems aren’t necessarily the best-funded, which may explain why more and more organizations spring up to fight the same problem.”

– Zach Williams

#### **FROM NEW YORK NONPROFIT MEDIA:**

New York state has new rules on telepsychiatry and New York City has a thespian public advocate. **Today's Buzz** has the details on both as well as an executive move, a “Gold Seal of Approval” – and the reason Breaking Ground got some good press in The New York Times.

\*\*\*\*\*

Applications are now being accepted for **NYU Silver School of Social Work's Fall 2019 Post-Master's Certificate Programs**. Deepen your knowledge and skills in areas including addictions, adolescents, assessment, child and family



therapy, clinical practice, CBT, leadership, palliative care, and spirituality. Programs are informed by current research and evidence-based practice and taught by expert academic practitioners. Continuing Education contact hours are available for licensed social workers and mental health counselors. [Learn more and apply now!](#)

\*\*\*\*\*

## TOP NEWS:

Gov. Andrew Cuomo used Wednesday's ticker-tape parade for the U.S. women's World Cup team to sign a pair of equal-pay bills with a tenuous connection to complaints that the victorious team will split a \$30 million pot while the men's World Cup champions shared in a \$400 million bounty ([Crain's New York Business](#)).

A House committee looking into the treatment of migrant children at detention facilities on the U.S. border heard searing testimony from the mother whose 21-month old toddler died weeks after being released by Immigration and Customs Enforcement ([The Guardian](#)).

For the first time, undocumented immigrant students in New York can apply for state financial aid for college after the application stemming from the passage of the state DREAM Act went live earlier this month ([Chalkbeat](#)).

The de Blasio administration continues to face widespread opposition to its plan to shutter Rikers Island within the next seven years – a goal predicated on the construction of four new borough-based facilities and a dramatic reduction in the city's jail population ([Politico New York](#)).

New York City's City Planning Commission heard plans for four jails full of natural sunlight and space for programming ahead of an upcoming vote by the body whether to move forward with the plan to replace Rikers Island ([The Wall Street Journal](#)).

Nationwide raids to arrest thousands of members of undocumented families are scheduled to begin Sunday, according to current and former homeland security officials ([The New York Times](#)).

\*\*\*\*\*

[Prepare to lead in the Great Leaders Program at the Marxe School at Baruch College](#) Want to ascend from middle management to CEO? The Great Leaders Program consists of seminar-style courses taught by nonprofit executives and Marxe faculty. It is designed to accelerate the transformation of nonprofit professionals into seasoned CEOs through active and peer learning. This intensive program is held Monday nights over nine months, providing



participants with a significant advantage over the competition. [Learn more.](#)

\*\*\*\*\*

**ANALYSIS:** Report: NYC jails failing at city-mandated bail reform measure ([the Daily News](#)) ... What will happen if Trump speeds up the asylum process ([Pacific Standard](#)) ... Why does participation in the federal summer meals program keep dropping? ([The New Food Economy](#)).

\*\*\*\*\*

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Attorney General

Census Citizenship Question

NY Times: 2020 Census Won't Have Citizenship Question as Trump Administration Drops Effort

Bloomberg News: Trump Abandons Fight for Citizenship Question on 2020 Census

Politico: Census to leave citizenship question off 2020 questionnaire

Associated Press: 2020 Census to be printed without citizenship question

Reuters: U.S. Census forms to exclude citizenship question -NY attorney general

Reuters: Trump administration retreats on census citizenship question

Politico: NRA meltdown has Trump campaign sweating

Roll Call: Citizenship question dropped from the 2020 census

Fox News: DOJ says citizenship question being dropped from 2020 Census: NY attorney general's office

CNN: Trump administration won't ask about citizenship on census

CNN Newsource: 2020 census to be printed without citizenship question, DOJ says

Law360: Trump Admin. Drops Citizenship Question From 2020 Census

USA Today: Trump administration begins printing 2020 census without citizenship question, signaling end of court battle

New York Law Journal: After SCOTUS Loss, Trump Administration Pulls Citizenship Question From Census

International Business Times: 2020 US Census Drops Citizenship Question, Trump Administration Confirms

Queens Chronicle: Citizenship question out of 2020 Census: officials

SF Gate: Update: State, City Lawyers Hail Decision To Drop Census Citizenship Question

Ops Lens: Trump Shamefully Climbs Down on Census Citizenship Question

Manhattan Times: Quitting on the Question

France 24: Trump says 'sad time' after controversial census change abandoned

Twitter Exchange

NY Times: Trump vs. N.Y.: Fact-Checking His Claims of 'Harassment' by the State

Roll Call: Trump suggests 'this crew' of 2020 Dems poised to use dirty tricks against him

NBC News: 'Harassment': Trump rails against NY Dems for investigation into NRA

Bloomberg News: Trump predicts NRA will move to Texas to flee New York 'Harassment'

The Hill: Trump: People are fleeing New York for Texas, Florida

Fox News: Trump says New York legal 'harassment' forcing businesses to flee, NRA may be next

Raw Story: Trump lashes out at probes of his family business: "First they tax you — then they sue you"

ABC News 10: President enters a war of words on Twitter with NY officials

Newsweek: NRA TELLS DONALD TRUMP THANKS, BUT NO THANKS AFTER HE SAYS THE GUN-RIGHTS GROUP SHOULD FLEE NEW YORK FOR TEXAS

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Newsday: Trump's charity was exposed and closed, and now he decries wider NY probes

NY Daily News: Trump trashes New York for high taxes — plus 'harassment' of him

Newsday: Donald Trump: Robert Mueller 'must' stick to report in House testimony

Daily Mail: Trump defends 'great' NRA amid turmoil and fleeing leadership as he dares gun group to move from New York to Texas to escape Democrats' 'harassment'

Newsmax: Trump: People 'Fleeing New York' For Texas Over NRA, Taxes

IJR News: POTUS Claims People Are 'Fleeing' New York Like 'Never Before' — Points to AG 'Harassment'

Statesman: Trump praises Texas, slams New York

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WGRZ: Four employees of Amherst assisted living facility facing charges

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Daily Gazette: New York AG opposes changes to federal overdraft rules

Mobile Payments Today: NYS leads 25 state AGs opposing CFPB changes to bank overdraft rules

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#### Jack'd

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Naked Security: Dating app Jack'd fined \$240K for leaving private photos up for a year

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Queens Daily Eagle: AG James creates first-ever Diversity and Inclusion Office

Above The Law: Celebrating Champions Of Diversity And Inclusion In The Legal Profession

Manhattan Times: AG creates diversity and inclusion office

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## Attorney General

### Census Citizenship Question

NY Times: 2020 Census Won't Have Citizenship Question as Trump Administration Drops Effort

By Michael Wines

July 2, 2019

WASHINGTON — The Trump administration, in a dramatic about-face, abandoned its quest on Tuesday to add a citizenship question to the 2020 census, a week after being blocked by the Supreme Court.

Faced with mounting deadlines and a protracted legal fight, officials ordered the Census Bureau to start printing forms for next year's head count without the question.

The decision was a victory for critics who said the question was part of an administration effort to skew the census results in favor of Republicans. It was also a remarkable retreat for an administration that typically digs into such fights.

Just last week after the Supreme Court's decision, President Trump said he was asking his lawyers to delay the census, "no matter how long," in order to fight for the question in court. He reiterated his unwillingness to give up [in a Twitter message posted late Tuesday](#), saying he had asked administration officials "to do whatever is necessary" to get a citizenship question on the census form.

Word of the administration's decision to stop fighting came in a one-sentence email from the Justice Department to lawyers for plaintiffs in a New York lawsuit that sought to block the question's inclusion in the head count.

The email offered no explanation, but the administration was confronting weeks or months of additional legal challenges to the question. Meanwhile, the Census Bureau had said it needed to begin printing questionnaires by July 1 to meet the April 2020 deadline for conducting the census.

The administration's decision appeared to end a yearlong battle over the country's all-important decennial head count. Census results are used to divvy up seats in the House of Representatives and to draw political maps at all levels of government. They are also used to allot federal funding for key social services.

The addition of a citizenship question to the census could have had profound implications for American politics. Officials at the Census Bureau itself have said that including the question would lead to an undercount of noncitizens and minority residents. As a result, areas with more immigrants, which tend to vote Democratic, could have lost both representation and federal funding.

[The Supreme Court last week](#) rejected the administration's stated reason for adding a question on citizenship to the census, and while the decision was not a conclusive ruling, the justices placed a daunting hurdle before the government.

Commerce Secretary Wilbur Ross said in a statement on Tuesday night that he respected the Supreme Court, but strongly disagreed with its ruling.

"The Census Bureau has started the process of printing the decennial questionnaires without the question," he said. "My focus, and that of the Bureau and the entire Department is to conduct a complete and accurate census."

Dale Ho, director of the Voting Rights Project at the American Civil Liberties Union, which was among the plaintiffs trying to block the question, praised the outcome, saying the Supreme Court left the administration with "no choice but to proceed with printing the 2020 census forms without a citizenship question."

As drafted by the administration, the census would have asked: "Is this person a citizen of the United States?" Options were to include: "Yes, born in the United States"; "Yes, born in Puerto Rico, Guam, the U.S. Virgin Islands, or Northern Marianas"; "Yes, born abroad of U.S. citizen parent or parents"; "Yes, U.S. citizen by naturalization"; or "No, not a U.S. citizen." 000405

For the last year, there has been a bitter legal battle over whether the Commerce Department broke the law when it decided in March 2018 to tack a citizenship question onto the census, long after other aspects of the questionnaire had been finalized.

The department, which oversees the Census Bureau, had argued that the Justice Department needed a more accurate count of citizens to enforce the 1965 Voting Rights Act, but three lower courts ruled that that was an obvious pretext for some other unstated goal.

The department's explanation was further undermined last month after plaintiffs uncovered computer files [from a deceased Republican political strategist](#), Thomas B. Hofeller, who had first urged the incoming Trump administration in 2016 to consider adding the question to the next census.

The files included a study in which Mr. Hofeller concluded that a citizenship question was central to a strategy to increase Republican political power by excluding noncitizens and persons under voting age from the census figures used for drawing new political boundaries in 2021.

The disclosure led to the reopening of one of the lawsuits opposing the question, and plaintiffs were scheduled to begin new efforts this month to prove that the question was an effort to discriminate against Hispanics for political gain.

On Tuesday, the Mexican American Legal Defense and Educational Fund, which represents plaintiffs in that suit, indicated that it was unwilling to end the lawsuit without further assurances from the administration that the issue of the citizenship question had in fact been fully resolved.

Thomas A. Saenz, the organization's president and general counsel, said his group wanted to make sure there was not any misinformation spread about there still being a citizenship question.

"No matter what happens, there's still a lingering hardship from how long the administration had this hanging out there, and the publicity it got," he said.

Opposition to the citizenship question was rooted among local governments and advocacy groups representing ethnic minorities, all of whom feared that the question's mere presence on the census would deter noncitizens and even legal immigrants from filling out the form for fear of government retaliation.

The groups' victory on Tuesday may have eased that threat, but hardly eliminated it. The public controversy over the issue has already stirred fears of retribution among many immigrants, who say they will avoid filling out the census form even if the question is not asked.

"Now is the time to shift gears and begin robust education and outreach campaigns to ensure each person in this country is counted," said Letitia James, the attorney general of New York, which was also among the plaintiffs suing to block the question. "Everyone counts, therefore everyone must be counted."

<https://www.nytimes.com/2019/07/02/us/trump-census-citizenship-question.html>

## Bloomberg News: Trump Abandons Fight for Citizenship Question on 2020 Census

By Erik Larson and Greg Stohr

July 2, 2019 4:55 PM

The Trump administration abandoned its hard-fought plan to add a citizenship question to the 2020 census after the U.S. Supreme Court challenged its purpose, a win for immigrant-rights groups and Democrats who claimed the query was designed to dilute their power.

The move is a sharp reversal for President Donald Trump, who said last week that he'd explore ways to delay the census after the Supreme Court put the plan on hold. In a 5-4 ruling, the court said Commerce Secretary Wilbur Ross's stated rationale for including the question was "contrived" and couldn't be squared with the evidence about his true motivations.



"I respect the Supreme Court but strongly disagree with its ruling regarding my decision to reinstate a citizenship question on the 2020 Census," Ross said in a statement Tuesday. "The Census Bureau has started the process of printing the decennial questionnaires without the question."

"Today's news is a victory for New York State, for America, and for every single person in this nation," New York Attorney General Letitia James, who led a coalition of states in suing over the question, said in a statement.

Opponents claimed that the citizenship question sought to reduce immigrants' participation in the survey and that administration officials hid their true aim of boosting Republican and white voters. Ross said the goal was to help the Justice Department enforce the Voting Rights Act, which protects minority voters.

In its ruling last week, the high court said the administration needed to put forward a rationale for the question that could pass legal muster.

The U.S. Constitution requires a census every 10 years, and census day is set by federal law as April 1. The administration has said the 2020 census questionnaire needed to be ready for printing by June 30.

The Census Bureau's chief scientist concluded the question would cause more than 2 million households, representing about 6.5 million people, to fail to respond to the census questionnaire. The bureau said statistical modeling techniques could use existing government data to produce more accurate citizenship information.

The court battle took an unusual twist in recent weeks when it emerged that a Republican redistricting consultant had played a significant role in the decision to add the query. The late consultant, Thomas Hofeller, concluded in a 2015 study, commissioned by the conservative website Washington Free Beacon, that adding a citizenship question would hurt Democrats and help "Republicans and non-Hispanic whites" in redistricting, according to the New York Immigrant Coalition, which was among the plaintiffs in the case.

Democrats celebrated the decision.

"Moving forward with the 2020 Census without the citizenship question brings us a step closer to a full and accurate count," Representative Carolyn Maloney of New York, who heads the House Census Caucus, said in a statement.

The Constitution requires a decennial census -- or an "actual Enumeration" -- but doesn't provide any guidance about what information should be collected. Census-takers started asking about citizenship in 1820 but haven't posed the question to every household since 1950.

<https://www.bloomberg.com/news/articles/2019-07-02/u-s-drops-fight-to-add-census-citizenship-question-n-y-says>

Politico: Census to leave citizenship question off 2020 questionnaire

By Ted Hesson

July 2, 2019 5:23 PM

The Census Bureau will not include a question about citizenship in the printed questionnaire for the 2020 census, Commerce Secretary Wilbur Ross confirmed Tuesday.

The decision represents a major defeat for the Trump administration five days after the Supreme Court [refused to allow](#) the question to be added without further explanation from Census officials. Chief Justice John Roberts sided with the court's liberal wing last week in a surprising decision that sent the case back lower courts for further review.

It was an instance of the Trump administration suffering serious consequences from another branch of government for being less than truthful. Roberts said in his decision that the Commerce Department's explanation for including the question was "incongruent with what the record reveals about the agency's priorities and decision-making process." By delaying resolution of the matter, the high court apparently forced the Census Bureau, which faced a tight deadline, to proceed without the citizenship

question.

But it remained uncertain whether the citizenship question might resurface in a digital 2020 questionnaire to be prepared at a later date. Sarah Brannon, an attorney with the American Civil Liberties Union, which represented plaintiffs in a related New York case, said it would likely not. "It is my understanding," she said, "that the paper and digital form must be the same."

In a statement about the administration's decision to publish the questionnaire without the citizenship question, Ross said, "I respect the Supreme Court but strongly disagree with its ruling regarding my decision to reinstate a citizenship question on the 2020 Census. ... My focus, and that of the bureau and the entire department, is to conduct a complete and accurate census."

The Justice Department said during litigation that the Census Bureau faced a June 30 deadline to finalize printed questionnaires. One Census official later suggested the process could be delayed until the end of October, but that such a move would require "exceptional effort and additional resources."

The decision to proceed with printing questionnaires may signal a detente in the lengthy legal and political battle over adding the question to the 2020 count.

The stakes were particularly high for states with high immigrant populations, like California, where officials warned for months that a citizenship question would fan fears of a government crackdown and suppress response rates. California Attorney General Xavier Becerra sued to block the question's inclusion, arguing his state would forfeit deserved federal funds.

In a triumphant press conference Tuesday, Becerra said that the decision to nix the question would ensure California gets its share of federal dollars to pay for schools, road repairs and disaster response.

"They made a concession to the truth and quite honestly to the rule of law," Becerra said, adding that "now the census will be free of the contrived attempt to silence so many people."

Following last week's Supreme Court's ruling, President Donald Trump thrust the process into uncertainty when he threatened to delay the census.

"Seems totally ridiculous that our government, and indeed Country, cannot ask a basic question of Citizenship in a very expensive, detailed and important Census," [Trump tweeted](#) Thursday. "I have asked the lawyers if they can delay the Census, no matter how long," he wrote, "until the United States Supreme Court is given additional information from which it can make a final and decisive decision on this very critical matter."

On Monday, [Trump again warned](#) that he might delay the census, saying that the U.S. needed to know "if somebody is a citizen as opposed to an illegal." (The citizenship question — even if it had been permitted on the census — would not have asked about legal immigration status.)

But the administration backed down Tuesday. News that the questionnaire would be printed without a citizenship question circulated on Twitter after a DOJ attorney confirmed the plan in an email to plaintiffs' attorneys.

"We can confirm that the decision has been made to print the 2020 Decennial Census questionnaire without a citizenship question, and that the printer has been instructed to begin the printing process," the DOJ attorney wrote.

New York led a coalition of states in one of several lawsuits that argued the question would depress responses in immigrant communities and in turn would lead to lower levels of federal funding and diminished political power.

The federal judge hearing that case, U.S. District Judge Jesse Furman, blocked the addition of the question in January, prompting the Trump administration to press the issue at the Supreme Court.

New York Attorney General Tish James said in a written statement Tuesday that "justice prevailed" and that efforts would now shift to outreach to ensure all residents are counted.

<https://www.politico.com/story/2019/07/02/census-wont-include-citizenship-question-on-2020-questionnaire-1395933>

By Andrew Oxford

July 3, 2019 6:08 AM

Days after the U.S. Supreme Court halted the addition of a citizenship question to the 2020 Census, the U.S. Census Bureau has started the process of printing the questionnaire without the controversial query.

Trump administration attorneys notified parties in lawsuits challenging the question that the printing of the hundreds of millions of documents for the 2020 counts would be starting, said Kristen Clarke, executive director of the National Lawyers' Committee for Civil Rights Under Law.

Justice Department spokeswoman Kelly Laco confirmed Tuesday there would be "no citizenship question on 2020 census."

Commerce Secretary Wilbur Ross said that while he respected the Supreme Court's decision, he strongly disagreed with it.

"The Census Bureau has started the process of printing the decennial questionnaires without the question," Ross said in a statement. "My focus, and that of the Bureau and the entire Department is to conduct a complete and accurate census."

President Donald Trump had said after the high court's decision last week that he would ask his attorneys about possibly delaying next spring's decennial census until the Supreme Court could revisit the matter, raising questions about whether printing of the census materials would start as planned this month.

For months, the Trump administration had argued that the courts needed to decide quickly whether the citizenship question could be added because of the deadline to starting printing materials this week.

On Twitter Tuesday night, Trump wrote that the Supreme Court ruling marked a "very sad time for America." He also said he had asked the Commerce and Justice departments "to do whatever is necessary to bring this most vital of questions, and this very important case, to a successful conclusion." He did not elaborate.

Even though the Census Bureau is relying on most respondents to answer the questionnaire by Internet next year, hundreds of millions of printed postcards and letters will be sent out next March reminding residents about the census, and those who don't respond digitally will be mailed paper questionnaires.

"The Supreme Court's ruling left little opportunity for the administration to cure the defects with its decision to add a citizenship question and, most importantly, they were simply out of time given the deadline for printing forms," Clarke said in an email.

Opponents of the citizenship question said it would discourage participation by immigrants and residents who are in the country illegally, resulting in inaccurate figures for a count that determines the distribution of some \$675 billion in federal spending and how many congressional districts each state gets.

The Trump administration had said the question was being added to aid in enforcement of the Voting Rights Act, which protects minority voters' access to the ballot box. But in the Supreme Court's decision, Chief Justice John Roberts joined the court's four more liberal members in saying the administration's current justification for the question "seems to have been contrived."

Democratic mayors and governors opposed to the question argued that they'd get less federal money and fewer representatives in Congress if the question was asked because it would discourage the participation of minorities, primarily Hispanics, who tend to support Democrats.

Attorneys general for two of the largest states controlled by Democrats praised the decision to abandon the citizenship question.

"While the Trump Administration may have attempted to politicize the census and punish cities and states across the nation, justice prevailed, and the census will continue to remain a tool for obtaining an accurate count of our population," said New York Attorney General Letitia James.

While praising the question's disappearance, California Attorney General Xavier Becerra warned that the Trump administration had

underfunded the Census Bureau, making it difficult to count hard-to-reach communities.

"It's an investment of time and resources that we have not seen, and this administration is dragging its feet," Becerra said.

Top congressional Democrats hailed Tuesday's news. House Speaker Nancy Pelosi called it "a welcome development for our democracy," while Senate Minority Leader Chuck Schumer promised his party "will be watching the Trump administration like a hawk to ensure there is no wrong-doing throughout this process and that every single person is counted."

Dale Ho, who argued the Supreme Court case as director of the American Civil Liberties Union's Voting Rights Project, said, "Everyone in America counts in the census, and today's decision means we all will."

<https://whnt.com/2019/07/03/2020-census-to-be-printed-without-citizenship-question/>

Reuters: U.S. Census forms to exclude citizenship question -NY attorney general

By Karen Friefeld and Eric Beech

July 2, 2019

WASHINGTON, July 2 (Reuters) - The 2020 U.S. Census will begin printing forms that do not include the citizenship question that the Trump administration had sought, New York's attorney general said on Tuesday.

An official in the office of New York Attorney General Letitia James told Reuters the U.S. Justice Department had informed them that the Census forms would exclude the citizenship question.

<https://finance.yahoo.com/news/u-census-forms-exclude-citizenship-210127815.html>

Reuters: Trump administration retreats on census citizenship question

By Karen Freifeld and Andy Sullivan

July 2, 2019 5:07 PM

In a stinging defeat for President Donald Trump, his administration ended its effort to add a citizenship question to the 2020 U.S. census, saying that it will begin printing forms that do not include the contentious query.

But, nevertheless, Trump later indicated he would still try to get the "most vital" question included on the questionnaire.

White House and Justice Department officials confirmed the decision to end the effort to add the question, which came in the aftermath of a Supreme Court ruling on June 27 that faulted the administration for its original attempt to add it.

"I respect the Supreme Court but strongly disagree with its ruling regarding my decision to reinstate a citizenship question on the 2020 census," Commerce Secretary Wilbur Ross said in a statement.

"The Census Bureau has started the process of printing the decennial questionnaires without the question. My focus, and that of the bureau and the entire department, is to conduct a complete and accurate census," Ross said.

Although the Supreme Court left open the possibility of the administration adding the question, there was little time left for the government to come up with a new rationale.

The government had said in court filings that it needed to finalize the details of the questionnaire by the end of June.

After the ruling, Trump tweeted that he was consulting lawyers about delaying the census so that the question could be added.

In a late night tweet on Tuesday, Trump said, "I have asked the Department of Commerce and the Department of Justice to do whatever is necessary to bring this most vital of questions, and this very important case, to a successful conclusion. USA! USA! USA!"

Critics have called the citizenship question a Republican ploy to scare immigrants into not taking part in the population count and engineer an undercount in Democratic-leaning areas with high immigrant and Latino populations. That would benefit non-Hispanic whites and help Trump's fellow Republicans gain seats in the U.S. House of Representatives and state legislatures, the critics said.

"In light of the Supreme Court's ruling, the Trump administration had no choice but to proceed with printing the 2020 census forms without a citizenship question. Everyone in America counts in the census, and today's decision means we all will," said Dale Ho, a lawyer with the American Civil Liberties Union, which had fought the Trump administration in court.

NOT INCLUDED SINCE 1950

The Trump administration had told the courts that its rationale for adding the question was to better enforce a law that protects the voting rights of racial minorities. Critics called that rationale a pretext, with the Supreme Court's majority embracing that theory.

The court's 5-4 ruling, which saw conservative Chief Justice John Roberts join the court's four liberals in the majority, ultimately proved decisive.

"While the Trump Administration may have attempted to politicize the census and punish cities and states across the nation, justice prevailed, and the census will continue to remain a tool for obtaining an accurate count of our population," said New York Attorney General Letitia James, who also challenged the question.

The census is used to allot seats in the U.S. House of Representatives and distribute some \$800 billion in federal funds. Opponents have said the citizenship question would instill fear in immigrant households that the information would be shared with law enforcement, deterring them from taking part.

Citizenship status has not been asked of all households since the 1950 census. Since then, it was included only on questionnaires sent to a smaller subset of the population.

Manhattan-based U.S. District Judge Jesse Furman ruled on Jan. 15 that the Commerce Department's decision to add the question violated the Administrative Procedure Act. Federal judges in Maryland and California also have issued rulings to block the question.

Furman said the evidence showed that Ross had concealed his true motives for adding the citizenship question and that he and his aides had convinced the Justice Department to request it.

Evidence surfaced in May that the challengers said showed the administration's plan to add a citizenship question was intended to discriminate against racial minorities.

<https://kfgo.com/news/articles/2019/jul/02/us-census-forms-to-exclude-citizenship-question-ny-attorney-general/>

Politico: NRA meltdown has Trump campaign sweating

By Alex Isenstadt

July 3, 2019 5:00 AM

The National Rifle Association aired an avalanche of TV ads and pushed its 5 million-plus members to the polls for Donald Trump in 2016, propelling him in the Rust Belt states that delivered him the presidency.

Now, the gun rights group is in total meltdown — and senior Republicans and Trump 2020 officials are alarmed.

In recent weeks, the NRA has seen everything from a failed coup attempt to the departure of its longtime political architect to embarrassing tales of self-dealing by top leaders. The turmoil is fueling fears that the organization will be profoundly diminished heading into the election, leaving the Republican Party with a gaping hole in its political machinery.

With the Chamber of Commerce and Koch political network withdrawing from their once-dominant roles in electing conservatives, Republicans worry that three organizations that have long formed the core of their electoral infrastructure will be effectively on the sidelines.

The predicament has so troubled some Republicans that they are calling on the famously secretive NRA to address its 2020 plans. Within the past week, senators have privately expressed concerns about the group to National Republican Senatorial Committee Chairman Todd Young.

“No organization has been more important to conservative voter education and engagement than the NRA. We all hope they’re able to mount the kind of effort in the 2020 cycle they have in the past,” said Gregg Keller, a former American Conservative Union executive director. “But in case they can’t, given their current situation, I hope they’re being forthright about that within the movement so others can pick up the slack.”

“The situation,” he added, “has folks nervous.”

What makes the NRA such a potent force for Republicans, party officials said, are its reach into battlegrounds — such as Pennsylvania, Michigan, Wisconsin, North Carolina and Ohio — and the sway it holds with its members. The NRA’s appeals play a critical role in turning out sportsmen, many of whom have paid dues to the organization for years and regard it as an important part of their lives.

Chris LaCivita, a national GOP strategist who’s waged congressional and statewide campaigns in North Carolina, said he remains confident gun advocates will turn out to vote in 2020. But he said the NRA’s problems could hobble its mobilization efforts.

“Infighting and accusations playing out almost daily in the national media regarding the NRA have not been helpful. Clearly it will have an impact in the NRA’s ability to raise money, which would be used in elections to turn out its membership,” LaCivita said.

With the organization mired in palace intrigue and confronting a daily barrage of negative publicity, some NRA officials are skeptical a 2020 plan will emerge. Many Republicans are convinced the job of turning out Second Amendment supporters will fall to the cash-flush Republican National Committee, which is constructing a massive get-out-the-vote and data machine devoted to turning out conservatives.

Jane Timken, chairwoman of the Ohio GOP, said her organization would work closely with the RNC to microtarget firearm owners. The national party, Timken noted, has compiled extensive voter data through sources ranging from gun licenses to gun magazine subscriptions.

Concerns over the NRA intensified last week after the resignation of Chris Cox, who had been the head of its lobbying arm since 2002. Cox was well-liked by NRA staff and board members and had deep relationships with major donors and many of the party’s top strategists. He recently participated in 2020 planning meetings with the pro-Trump America First Action super PAC and the anti-tax Club for Growth. The groups discussed polling and opposition research, voter registration efforts, and ensuring smooth coordination.

With Cox gone, it’s an open question who will oversee the NRA’s 2020 strategy.

“Chris Cox is the guy everybody dealt with,” said Steven Law, president of the Senate Leadership Fund, a super PAC closely aligned with Majority Leader Mitch McConnell.

Jason Ouimet, a director of federal affairs at the organization, is expected to assume Cox’s role on an interim basis, a person familiar with the move confirmed. Ouimet’s appointment, NRA officials said, is designed to temporarily stave off a mass staff exodus and calm both the organization’s members and the broader conservative world.

NRA spokespeople did not respond to requests for comment.

The organization’s troubles are hard to overstate. The most serious threat is an investigation by New York state attorney general’s

office into its tax-exempt status. In April, NRA President Oliver North was ousted in an ugly public spectacle in which he declared the group was in a "clear crisis." News organizations have also reported that NRA chief executive Wayne LaPierre used \$275,000 of the group's money to buy luxury clothes at Zegna in Beverly Hills, Calif., and that the organization logged tens of thousands of dollars in other expenses that benefited its officials.

Trump weighed in on the NRA's problems Tuesday morning, [tweeting](#) that the group is a "victim" of "political harassment by New York State and Governor Cuomo."

Ken Blackwell, an NRA board member who is active with an array of conservative groups, disputed the idea that Cox's departure and the subsequent turmoil would sideline the group in 2020. The NRA's turnout efforts, he said, were largely orchestrated at the state and local levels.

"Chris was good at what he did, but he was not the reservoir of ground action," Blackwell said. "This notion that there was someone sitting behind the green curtain in Washington driving the base turnout, it was a misnomer."

Others argued that with Democratic presidential candidates vowing to enact stricter gun control laws, firearm owners will be sufficiently motivated to keep Trump in office.

Issues surrounding the Republican Party's outside infrastructure go beyond the NRA. The Chamber of Commerce, a key player in Republican politics over the past decade, spent just \$10 million during the 2018 cycle, about a third of what it spent during the previous election cycle, according to the Center for Responsive Politics. The scale back has led many to believe the organization, a staple of the business community, is preparing to play a diminished role in 2020.

Other clues have emerged. In April, Chamber leaders told [The Washington Post](#) they were seeking to rebrand the organization as a bipartisan outfit. And in January, Rob Engstrom stepped down as national political director, a role the Chamber is in the process of filling. People familiar with the arrangement said Engstrom remains a consultant with the organization.

Scott Reed, the group's chief political strategist, denied the group is retrenching. This fall, he said, the Chamber would launch a multimillion-dollar effort to defend the Republican Senate majority.

"We will be spending money earlier this cycle on the Senate than we've ever spent in the 100-year history of the Chamber," he said.

Meanwhile, the Koch network is gradually shifting away from partisanship and toward policy issues like addressing poverty and drug addiction. The network, which like the Chamber has at times found itself at odds with the president, plans to sit out the 2020 presidential race and is recasting itself in a nonpartisan fashion.

Emily Seidel, chief executive of the Koch-backed Americans for Prosperity, penned a [memo](#) last month in which she announced the outfit is open to backing candidates from either party.

The new approach has rankled some longtime Koch donors, who complain the powerful network — which played a pivotal role in helping Republicans capture the Senate majority — is abandoning the GOP.

Koch officials dispute that they are pulling back, noting they've endorsed a handful of GOP senators who align with the network's goals. When the network gathered in Colorado Springs, Colo., over the weekend, its members were joined by a small group of Republicans facing reelection, including Kentucky Gov. Matt Bevin and Georgia Sen. David Perdue.

The uncertainty surrounding all three groups is likely to increase pressure on America First Action, a super PAC devoted to backing Trump.

"If a void needs to be filled in 2020, we will fill it and continue to work with those allies that are willing to step into the breach to help reelect Donald Trump," America first spokeswoman Kelly Sadler said..

To others, though, the developments are a potential sign of danger ahead. David McIntosh, the president of the Club for Growth and a former Republican congressman, said he was particularly troubled by the Koch network's decision to refocus its efforts. After Barack Obama's 2008 election, he noted, the network filled a vacuum by providing the devastated party with much-needed infrastructure.



"Right now, the party is functioning," McIntosh said. "But if you see another collapse or if we lose the White House, I think you're going to see Republicans frankly in a world of hurt without a major funding group like that."

<https://www.politico.com/story/2019/07/03/nra-guns-trump-campaign-1395970>

## Roll Call: Citizenship question dropped from the 2020 census

By Michael Macagnone

July 2, 2019 5:19 PM

The 2020 census will not include a citizenship question, the Justice Department said Tuesday, just days after the Supreme Court [blocked a plan by the Commerce Department](#) to add it to the census questionnaire.

Federal attorneys on Tuesday told litigants in the New York challenge to the case that it would not pursue the question. Justice Department spokeswoman Kelly Laco confirmed that the government will move ahead with printing census forms without it.

The retreat follows the Supreme Court's 5-4 decision last week, which it based on objections to the Commerce Department's reasoning for adding the question. President Donald Trump repeatedly threatened to delay the census to get the question approved.

He called the ruling "very unfortunate" at a press conference in Japan, saying it "wasn't a real decision."

Commerce Secretary Wilbur Ross said in a statement that the Census Bureau would be focused on conducting a "complete and accurate census" — without the citizenship question.

"I respect the Supreme Court but strongly disagree with its ruling regarding my decision to reinstate a citizenship question on the 2020 Census," Ross said.

Government attorneys told New York Attorney General Letitia James, the ACLU and other challengers to the question Tuesday that the administration would not attempt to continue the fight to add the question.

"We're glad the #2020Census will begin printing without a citizenship question. Enjoy your 4th of July," James tweeted.

Government attorneys repeatedly maintained in court, including arguments to the Supreme Court, that it had to finalize the census questionnaires by June 30. The government's printing contractor, RR Donnelley, has laid out a printing process for more than 1 billion documents.

During litigation over the question, a Census Bureau official said the bureau could proceed as late as Oct. 31 if it had additional resources.

Any delay to the process would endanger the ability to get the census ready on time, according to former Census Bureau Director Robert Groves, who oversaw the 2010 census. That year's census printing process used up the entirety of the commercial printing capacity in the United States, he said, a process that had to be scheduled and run on a clear timeline.

"It's not clear that you can change the time of the print job even if you wanted to. It is not like going to your local print shop," Groves said.

House Oversight and Reform Chairman [Elijah E. Cummings](#) said Tuesday he wants the administration to comply with subpoenas for documents underlying their decision to add the question. Last month the committee voted to hold Attorney General William Barr and Ross in contempt over the withholding of documents.

"The Trump administration put our country through more than a year of wasted time and squandered resources — all in the service of an illegal attempt to add a discriminatory question based on a pretext," Cummings, a Maryland Democrat, said in a statement.

Fox News: DOJ says citizenship question being dropped from 2020 Census: NY attorney general's office

By Gregg Re

July 2, 2019

The [New York](#) attorney general's office said Tuesday [the Justice Department](#) has decided to print the 2020 Census without the citizenship question sought by the Trump administration, ending a contentious legal dispute over an issue that could soon affect the makeup of Congress and the Electoral College.

The Supreme Court [ruled last week](#) that the question couldn't be added for now, but left open the possibility that additional arguments could change its mind. Civil rights groups argued that the Trump administration's reasons for including the question were merely pretextual efforts to discourage illegal immigrants from responding to the Census.

Population counts from the Census are used to apportion House seats among the 50 states, and a new electoral map based on the Census will be in effect for the 2024 presidential election. States receive votes in the Electoral College equal to the number of members in their congressional delegation, counting both House and Senate seats.

In a tweet on Monday, Daniel Jacobson, who worked in the White House Counsel's Office under President Obama, said a trial attorney at the Justice Department told him that "the printer has been instructed to begin the printing process" without the citizenship question.

In a statement to Fox News, Commerce Secretary Wilbur Ross tied the decision to the Supreme Court's ruling.

"I respect the Supreme Court but strongly disagree with its ruling regarding my decision to reinstate a citizenship question on the 2020 Census," Ross said. "The Census Bureau has started the process of printing the decennial questionnaires without the question. My focus, and that of the Bureau and the entire Department is to conduct a complete and accurate census."

For his part, House Oversight Committee Chairman Elijah Cummings, D-Md., issued a less-than-celebratory statement calling for answers, even as he praised the decision to scrap the citizenship question.

"I am encouraged that Administration officials dropped President Trump's unconstitutional plan to postpone the Census just because he lost the Supreme Court case," Cummings said. "The Trump Administration put our country through more than a year of wasted time and squandered resources—all in the service of an illegal attempt to add a discriminatory question based on a pretext."

Cummings continued: "The Attorney General and the Secretary of Commerce must now turn over all of the documents our Committee has subpoenaed on a bipartisan basis."

Senate Minority Leader Chuck Schumer, D-N.Y., added, "The exclusion of the citizenship question from the census is a victory for our democracy and for fair representation of all communities in this country."

President Trump had tweeted that he had asked lawyers if the count can be delayed until the Supreme Court can reevaluate the matter, based on additional evidence supporting the administration's justifications for adding the citizenship question.

The Supreme Court, in its ruling last week, did not prohibit a citizenship question out of hand but dismissed the administration's provided rationale as insufficient.

However, Kristen Clarke, president and executive director of the Lawyers' Committee for Civil Rights Under Law, told Fox News on Tuesday that the Supreme Court was unlikely to change its mind. Clarke's team successfully challenged the Trump administration on the use of the citizenship question in federal court in California, and was one of several groups to bring such lawsuits.

"The Supreme Court's ruling left little opportunity for the administration to cure the defects with its decision to add a citizenship

question and, most importantly, they were simply out of time given the impending deadline for printing forms," Clarke said.

Experts agreed that any delay could gum up the U.S. Census Bureau's finely calibrated timetable for the 10-year count. Monday was the deadline to start printing the 600 million documents that will be mailed to 130 million households for next April's census count.

For months, the Trump administration had argued that the courts needed to decide quickly whether the citizenship question could be added to the 2020 census because of the looming deadline.

"I think it's very important to find out if somebody is a citizen as opposed to an illegal," Trump told reporters Monday. "There's a big difference to me between being a citizen of the United States and being an illegal."

Former President Barack Obama's administration [didn't ask the citizenship question in the 2010 census](#). The citizenship question was last asked on the census in 1950, but beginning in 1970, a citizenship question was asked in a long-form questionnaire sent to a relatively small number of households, alongside the main census. In 2010, there was no long-form questionnaire.

"There is no credible argument to be made that asking about citizenship subverts the Constitution and federal law," Chapman University law professor and constitutional law expert John Eastman told Fox News.

From a logistical standpoint, any delay "would be a nightmare," said John Thompson, who served as Census Bureau director during Obama's second term.

The bureau already has been in the process of signing almost 250 office leases across the U.S. and has hired 1,500 specialists partnering with community organizations to encourage people to participate in the census. More than 170,000 recruits already have filled out applications for the almost half-million positions being created for the count. The bureau has helped set up more than 1,500 committees nationwide working to get everyone to respond.

Furthermore, Congress would have to change the law for the count to be delayed because Title 13 of the U.S. Code mandates that it take place on April 1, 2020, Thompson said.

"I don't think there's any ambiguity, but I'm not a lawyer," Thompson said.

Fewer people are expected to fill out the questionnaires using paper than in years past because the bureau for the first time is relying on most respondents to use the Internet to answer questions. Still, printed postcards and letters are to be sent out next March reminding residents it's time to answer the questionnaire, and those who don't respond digitally are expected to be mailed paper questionnaires.

As recently as last week, the Trump administration's solicitor general wrote in court papers that the Census Bureau needed to finalize the questions by June. Any changes to the paper questionnaire after June would impair the bureau's ability to conduct the count in a timely manner, wrote the solicitor general, Noel Francisco.

More than two dozen Democrats in the U.S. Senate last week sent a letter urging Ross to drop any further pursuit of the citizenship question because it would delay the bureau's ability to conduct the count.

"The 2020 Census is less than half a year away, and any unnecessary delay in operations would impact the ability of the Census Bureau to count every person in our country," the letter read.

"This is America," Daines told Fox News at the time. "We are a sovereign nation. It's absurd that we don't know how many citizens and non-citizens are living in this country. That's why I'm introducing this bill to require a citizenship question on the census - and ensure that states harboring millions of illegal immigrants are not rewarded with additional taxpayer dollars."

<https://www.foxnews.com/politics/doj-says-citizenship-question-being-dropped-from-2020-census-ny-attorney-generals-office>

July 2, 2019 9:19 PM

The Trump administration said Tuesday that it will not ask about citizenship status on the [2020 census](#), backing off a contentious effort to reinstate the [question](#) over objections from opponents who successfully argued to the Supreme Court that it would disenfranchise minority groups.

Commerce Secretary Wilbur Ross, who originally directed the Census Bureau to add the question, said in a statement that he was moving ahead with printing the 2020 census despite his disagreement with the court's ruling last week.

"I respect the Supreme Court but strongly disagree with its ruling regarding my decision to reinstate a citizenship question on the 2020 Census," Ross said in a statement Tuesday. "The Census Bureau has started the process of printing the decennial questionnaires without the question. My focus, and that of the Bureau and the entire Department is to conduct a complete and accurate census."

The order to print came suddenly, surprising attorneys who had challenged the Trump administration.

As recently as Monday, President Donald Trump had said his administration was looking for ways to delay the once-a-decade tally so that the question could be included.

"We're looking at that very strongly," he told reporters at the White House.

Trump cited the census' key role in determining how government resources are spent.

"I think it's very important to find out if somebody is a citizen as opposed to an illegal," he said. "I think there's a big difference, to me, between being a citizen of the United States and being an illegal."

Trump also said last week he was looking at pushing a delay in the population count over the issue, which he's positioned as part of his broader crackdown on undocumented immigrants.

"I have asked the lawyers if they can delay the Census, no matter how long, until the United States Supreme Court is given additional information from which it can make a final and decisive decision on this very critical matter," he wrote on Twitter.

The government had initially said that Monday was the deadline to begin printing forms. As late as Monday afternoon, however, the administration asked a federal judge in Maryland for more time to decide how it would proceed following the Supreme Court decision.

On Tuesday afternoon, shortly before the rescheduled hearing was set to start, a Justice Department lawyer told plaintiffs the administration was moving ahead with printing.

"We can confirm that the decision has been made to print the 2020 Decennial Census questionnaire without a citizenship question, and that the printer has been instructed to begin the printing process," Kate Bailey, a trial attorney with the Justice Department, wrote in an email to [other attorneys involved in the case on Tuesday](#).

In the Maryland hearing, Judge George Hazel instructed the parties to put in writing by next week an agreement on how the census would move forward, according to the one of the plaintiffs in the case, the Mexican American Legal Defense and Educational Fund.

Supreme Court decision led to uncertainty

The outcome was uncertain until Tuesday because the Supreme Court ruling last week that blocked the question from appearing for the time being had left the door open for the administration to present a new rationale.

Since March 2018, Ross had justified the question as necessary to enforce voting protections, citing a request from the Justice Department. "We are responding solely to the Department of Justice's request," Ross testified before Congress.

Critics saw holes in that case with the disclosure that Ross himself had asked the Justice Department to send such a letter.

Communications between Ross and White House officials about the question emerged, and Ross was seen writing to an aide, "I am mystified why nothing have (sic) been done in response to my months old request that we include the citizenship question. Why not?"

Most recently, challengers of the question presented an unpublished 2015 study by a Republican redistricting expert as evidence that citizenship data would benefit Republicans when new political boundaries are drawn based on the 2020 census.

The Supreme Court ultimately described Ross' explanation for including the question as "contrived" and "incongruent with what the record reveals about the agency's priorities and decision-making process."

The process of preparing a new justification was expected to take months, including a lengthy court review that could return to the Supreme Court, delaying the process of printing hundreds of millions of forms and other materials and preparing for the count.

Delaying the printing process is possible, but expensive, the Census Bureau's chief scientist told a court last year. He said it would be possible if "exceptional resources" are available. But a group of House Democrats signaled Tuesday they would not vote in favor of moving the census date.

"This is a victory on the eve of the Fourth of July we are celebrating equal justice for all," said New York Attorney General Letitia James, one of multiple states, cities and other groups to challenge the question in court.

Dale Ho of the American Civil Liberties Union, which was part of the New York case, said, "Everyone in America counts in the census, and today's decision means we all will."

Attorneys involved in the challenges said the court has given the government until Monday to negotiate written wording.

"We're happy about the development but want to make sure it is thorough and complete," said Thomas Saenz, president of the Mexican American Legal Defense and Educational Fund, which was among groups challenging the question.

He told CNN on Tuesday he was concerned that the administration might find other ways to undermine the count.

Even without the question on the census forms, it remains unclear if the Census Bureau will still publish a file of citizenship data when it releases the census results in early 2021. The bureau's chief scientist, John Abowd, said in May that regardless of the high court's decision, the bureau was operating as if it was still expected to produce the data using so-called administrative records compiled from government data.

If the bureau does so, it could set the stage for another legal battle over who counts for the purpose of drawing congressional districts.

The Census Bureau has not responded to a request for comment from CNN.

<https://www.cnn.com/2019/07/02/politics/doj-census-citizenship-question/index.html>

CNN Newsource: 2020 census to be printed without citizenship question, DOJ says

By CNN Newsource

July 2, 2019 5:22 PM

The Justice Department has informed plaintiffs in the census case that it plans to print the 2020 census without a question about citizenship status.

"We can confirm that the decision has been made to print the 2020 Decennial Census questionnaire without a citizenship question, and that the printer has been instructed to begin the printing process," Kate Bailey, a trial attorney with the Justice Department, wrote in an email to other attorneys involved in the case on Tuesday.

The notice, which was confirmed by the Justice Department, follows the Supreme Court ruling last week that blocked the question from appearing for now, but left the door open for the administration to present a new rationale.

The court described Commerce Secretary Wilbur Ross' explanation for including the question as "contrived" and "incongruent with what the record reveals about the agency's priorities and decision-making process."

The process of preparing a new justification was expected to take months, including a lengthy court review that could return to the Supreme Court, delaying the process of printing hundreds of millions of forms and other materials and preparing for the count.

The government missed its Monday deadline to send the forms for printing.

"This is a victory on the eve of the Fourth of July we are celebrating equal justice for all. Everyone should be counted," New York Attorney General Letitia James said.

<https://www.wcpo.com/news/national/2020-census-to-be-printed-without-citizenship-question-doj-says>

## Law360: Trump Admin. Drops Citizenship Question From 2020 Census

By Dorothy Atkins

July 2, 2019 9:11 PM

The Trump administration told attorneys Tuesday it has dropped its proposed citizenship question from the 2020 census, days after the U.S. Supreme Court blocked the question and instructed the government to rectify discrepancies in its explanation for including it.

The U.S. Department of Justice informed counsel for plaintiffs challenging the citizenship question that the government was going to begin printing the census questionnaire without the question.

The decision came less than a week after Chief Justice John Roberts wrote for the court on June 27 that the Commerce Department needs to explain why the government wants to add the citizenship question to the census. The opinion also questioned the credibility of Commerce Secretary Wilbur Ross' rationale for including it.

Ross had claimed that the new question was needed to bolster the DOJ's Voting Rights Act enforcement efforts with better citizenship data. However, the justices called the explanation "contrived" in light of evidence showing that Ross set out to add the citizenship question in the first weeks of his time in office — well before he discussed the issue with the DOJ.

Although the high court gave the government a chance to address the justices' concerns, the DOJ had said repeatedly that it needed to finalize the census questionnaire by July 1.

After the ruling came down, the president said he was dissatisfied with the high court, writing on Twitter that it seems "totally ridiculous" that the government cannot ask a "basic question of citizenship in a very expensive, detailed and important census." Trump added that he was asking lawyers if they can delay the census indefinitely until the Supreme Court is given additional information.

"Can anyone really believe that as a great country, we are not able [to] ask whether or not someone is a citizen. Only in America!" the president said.

But John Libby, a partner at Manatt Phelps & Phillips LLP and counsel to the plaintiffs who challenged the citizenship question in California federal court, told Law360 on Tuesday that delaying the census would be unconstitutional.

"I think we can safely dismiss that, and given the Department of Justice and Commerce Department's decision today, it's kind of moot," Libby said.

Libby added that he is pleased with the government's decision to drop the question.

Many advocates and Democrats had argued the proposed citizenship question would deter immigrants from answering the questions honestly and lead to skewed population results. Some also said it was an attempt by the Trump administration to boost Republican electoral representation by depressing noncitizen response rates.

As news spread that the citizenship question was dropped from the census Tuesday, multiple groups released statements calling the decision a major victory.

New York Attorney General Letitia James and California Attorney General Xavier Becerra both released statements saying justice has prevailed and that the census will remain a tool for obtaining an accurate count of the nation's population. Becerra said they expect the upcoming census will include 40 million Californians.

Dale Ho, director of the American Civil Liberties Union's Voting Rights Project, who argued the case before the U.S. Supreme Court, said everyone in America counts and today's decision "means we all will."

Daniel Jacobson of Arnold & Porter, a former Obama White House lawyer who argued the case on behalf of immigration organizations, shared on Twitter an email from the Justice Department announcing that the printers have been instructed to begin printing the census questionnaire without the citizenship question.

"We won," Jacobson wrote.

Representatives for the government didn't immediately respond Tuesday to a request for comment.

The government was represented by Solicitor General Noel Francisco.

The challengers were represented by Dale Ho of the American Civil Liberties Union and New York Solicitor General Barbara Underwood.

The case is U.S. Department of Commerce et al. v. New York et al., case number 18-966, in the Supreme Court of the United States.

<https://www.law360.com/immigration/articles/1175275/trump-admin-drops-citizenship-question-from-2020-census>

USA Today: Trump administration begins printing 2020 census without citizenship question, signaling end of court battle

By Richard Wolf

July 2, 2019 5:06 PM

WASHINGTON – The Trump administration said Tuesday it has begun printing 2020 census forms without a question on citizenship, indicating it may be backing down from a lengthy court battle.

Following the [Supreme Court's 5-4 ruling](#) last week that the Commerce Department had failed to justify its proposal, a Justice Department attorney advised lawyers in the case that "the decision has been made" to print without asking about citizenship.

The decision came just days after [President Donald Trump suggested delaying the census](#) in the wake of the Supreme Court decision. "I have asked the lawyers if they can delay the Census, no matter how long," he tweeted.

Late Tuesday via Twitter, Trump said he asked the Department of Commerce and Department of Justice "to do whatever is necessary to bring this most vital of questions, and this very important case, to a successful conclusion."

"A very sad time for America when the Supreme Court of the United States won't allow a question of 'Is this person a Citizen of the United States?' to be asked on the #2020 Census!" Trump tweeted. "Going on for a long time."

By printing without the question, the administration sent a strong signal that it was ending Commerce Secretary [Wilbur Ross'](#) two-year-old fight to add a question on citizenship, one that federal court judges in New York, California and Maryland [struck down as illegal, unconstitutional, or both](#).



Ross released a statement late Tuesday in which he confirmed the printing process had begun without the citizenship question.

"I respect the Supreme Court but strongly disagree with its ruling regarding my decision to reinstate a citizenship question on the 2020 census," he said. "My focus, and that of the bureau and the entire department, is to conduct a complete and accurate census."

To confirm that is the case, federal District Judge George Hazel in Maryland gave the administration until Monday to put in writing its intention to conduct the census without a citizenship question.

Thomas Saenz, president of the Mexican American Legal Defense and Educational Fund, said his group "will now act to ensure that today's decision by the federal government is thorough and complete before voluntarily abandoning our racial intent case."

Reaction was swift among civil rights and immigrant rights groups that had challenged the administration's effort to add the question. Dale Ho, the American Civil Liberties Union lawyer who argued the case at the Supreme Court, tweeted one word: "Boom."

"In light of the Supreme Court's ruling, the Trump administration had no choice but to proceed with printing the 2020 census forms without a citizenship question," he said in a later statement. "Everyone in America counts in the census, and today's decision means we all will."

New York Attorney General Letitia James, whose office also argued at the high court, said, "While the Trump administration may have attempted to politicize the census and punish cities and states across the nation, justice prevailed, and the census will continue to remain a tool for obtaining an accurate count of our population."

And Kristen Clarke, president of the Lawyers' Committee for Civil Rights Under Law, which sued the administration in California, said, "The Supreme Court's ruling left little opportunity for the administration to cure the defects with its decision to add a citizenship question and, most importantly, they were simply out of time given the deadline for printing forms."

The Census Bureau has said adding the question would result in an undercount of Hispanics, who live predominantly in areas represented by Democrats. That could cause some states to lose seats in Congress for the next decade, including California, Texas, Florida and New York.

The administration originally said it would have to begin printing questionnaires this month in order to conduct the decennial census next year, as required by law. [Census Bureau officials](#) had said they could stretch the start date to October, but further court battles could last for months.

Last week's ruling by Chief Justice John Roberts questioned the stated rationale for the administration's effort – enforcing the Voting Rights Act – just as challenging states and immigrant rights groups have done.

"The evidence tells a story that does not match the explanation (Commerce Secretary Wilbur Ross) gave for his decision," Roberts wrote. "The sole stated reason seems to have been contrived."

In a complex decision with several dissents and concurrences, the court's four liberal justices said they would have struck down the citizenship question outright, while the court's four other conservative justices said it should have been upheld.

Adding a citizenship question to the census would affect some 22 million noncitizens. Even if only a small percentage of them refused to return the questionnaire, it would alter the allocation of seats in the House of Representatives and about \$650 billion in federal funds.

The lower court judges – all named by President Barack Obama – described acts of subterfuge and misleading statements intended to obscure the real reasons for asking the citizenship question. In the New York case that came to the Supreme Court, Furman called them "the acts and statements of officials with something to hide."

Since that case was heard in April, challengers discovered documents suggesting [political or racial motives](#) in the files of a deceased Republican expert on redistricting who concluded the move could lead to reduced voting power for Hispanics.

## New York Law Journal: After SCOTUS Loss, Trump Administration Pulls Citizenship Question From Census

By Dan M. Clark

July 2, 2019 6:27 PM

The 2020 U.S. Census will not ask respondents about their immigration status, the Trump administration confirmed Tuesday, after a series of legal challenges led to a decision from the U.S. Supreme Court striking down the question last month.

The decision puts to bed more than a year of litigation brought against the Trump administration by civil rights groups and several states, including New York, which led one of the lawsuits against the federal government over the question.

New York Attorney General Letitia James called the development a “victory,” after the country’s highest court questioned the motive of the Trump administration last month for choosing to ask about citizenship on the national survey.

“Today’s news is a victory for New York state, for America, and for every single person in this nation,” James said. “While the Trump administration may have attempted to politicize the census and punish cities and states across the nation, justice prevailed, and the census will continue to remain a tool for obtaining an accurate count of our population.”

New York filed its lawsuit over the question with a coalition of other states almost immediately after the addition of the question was announced by the U.S. Department of Commerce. They had alleged the question was motivated by racial animus and a long-term strategy by the Trump administration to give Republicans more power in Congress.

That lawsuit was combined with another against the citizenship question from the New York Immigration Coalition last year for trial, which was held in the U.S. District Court of the Southern District of New York.

They’ve argued that asking about citizenship on the census would lower turnout for the survey in areas with high immigrant populations, like New York. That could lead to a population undercount, they claimed, which could have resulted in fewer seats in Congress for those states. It could have also meant less federal funding in areas like education and health care.

The New York Immigration Coalition was represented by the New York Civil Liberties Union and the American Civil Liberties Union, both of which have used information obtained through discovery to push the case forward.

They claimed that U.S. Commerce Secretary Wilbur Ross had already decided when he took office in 2017 that he wanted to ask about citizenship on the census, and that he didn’t go through the proper channels to justify the addition. They, along with New York, sued based on several claims, but chief among them was the federal Administrative Procedure Act.

The U.S. Supreme Court, in striking down the question last month, criticized the administration’s methods of adding the question to the survey.

“Reasoned decision-making under the Administrative Procedure Act calls for an explanation for agency action,” Chief Justice John Roberts Jr. wrote. “What was provided here was more of a distraction.”

Ross, in a statement released Tuesday evening, said he disagreed with the high court’s decision, but that the clock had run out on other options before the census had to be printed.

“I respect the Supreme Court but strongly disagree with its ruling regarding my decision to reinstate a citizenship question on the 2020 Census,” Ross said. “The Census Bureau has started the process of printing the decennial questionnaires without the question. My focus and that of the bureau and the entire department is to conduct a complete and accurate census.”

Ross and the U.S. Department of Justice have said they wanted to include a question about citizenship on the census to better help the federal government enforce the Voting Rights Act.

U.S. District Judge Jesse Furman of the Southern District of New York had originally struck down the citizenship question in a decision handed down earlier this year.

<https://www.law.com/newyorklawjournal/2019/07/02/after-scotus-loss-trump-administration-pulls-citizenship-question-from-census/>

## International Business Times: 2020 US Census Drops Citizenship Question, Trump Administration Confirms

By Arthur Villasanta

July 2, 2019 10:07

The Trump administration has rescinded the inflammatory citizenship question it unsuccessfully fought to include in the 2020 United States Census, otherwise known as Census 2020, slated to begin on April 1.

The deleted question is: "Is this person a citizen of the United States?"

Respondents would have been given five options: they were born in the U.S., born in a U.S. territory, born abroad to U.S. citizen parents, naturalized as a citizen, or not a citizen.

The census is conducted every 10 years and counts people living in the U.S. It's used to determine federal funds, grants and support to states, hence its huge importance to both political parties.

Opponents of the question, including the Democratic Party, successfully argued to the Supreme Court its inclusion will disenfranchise minority groups. Three other federal judges also ruled against including the citizenship question over the past few months.

"We can confirm that the decision has been made to print the 2020 Decennial Census questionnaire without a citizenship question, and that the printer has been instructed to begin the printing process," said Kate Bailey, a lawyer with the Department of Justice.

The administration's sudden surrender came as a surprise, albeit a welcome one, to opponents of the question. Opponents branded this census question as another attempt by Republicans at voter suppression of minorities and partisan gerrymandering.

"This is a victory on the eve of the Fourth of July we are celebrating equal justice for all," said New York Attorney General Letitia James. "Everyone should be counted."

New York was one of the many states, cities and other groups that challenged the question in court.

"We're happy about the development but want to make sure it is thorough and complete," said Thomas Saenz, president of the Mexican American Legal Defense and Educational Fund, which was among groups challenging the question.

Saenz, however, said he was concerned the Trump administration might find other ways to undermine the census.

Commerce Secretary Wilbur Ross originally directed the Census Bureau to add the question. He told Congress last March the citizenship question is necessary to enforce the Voting Rights Act's protection against voter discrimination. He also said the citizenship question was requested by the Department of Justice and approved by him.

He disagreed with the Supreme Court's ruling of June 27 rejecting the Trump administration's stated rationale for including the question.

"I respect the Supreme Court but strongly disagree with its ruling regarding my decision to reinstate a citizenship question on the 2020 Census," said Ross.

"The Census Bureau has started the process of printing the decennial questionnaires without the question. My focus, and that of the Bureau and the entire Department is to conduct a complete and accurate census."

## Queens Chronicle: Citizenship question out of 2020 Census: officials

By Michael Gannon

July 2, 2019 5:45 PM

Multiple sources including state Attorney General Letitia James and Congresswoman Carolyn Maloney (D-Manhattan, Queens and Brooklyn) are confirming that the Trump administration has begun printing forms for the 2020 U.S. Census that do not include a citizenship question.

"The ominous storm cloud over the census has been lifted," Maloney said in a statement emailed to the Chronicle Tuesday evening. "This Administration is finally following the law. Moving forward with the 2020 Census without the citizenship question brings us a step closer to a full and accurate count."

Earlier in the day, Maloney and Queens Congressional Reps. Grace Meng (D-Flushing) and Gregory Meeks (D-Queens, Nassau) co-signed a letter to U.S. Commerce Secretary Wilbur Ross telling him they would not support delaying the Census should the Trump administration decide to refile its defense of the question after last week's loss in the U.S. Supreme Court.

"[W]e do not accept the President's insinuation that he has the authority to delay the census," the letter stated."

Published reports state there had been a delay in printing materials such as mailers. Trump also had spoken of delaying the count; published sources reported Trump was considering unspecified executive action.

The Los Angeles Times reported the White House was prepared to act as early as July 2. New York State is one of the leading parties attempting to block the question, saying the Trump administration's intent is to drive down participation of immigrants in the country both legally and otherwise; the result could drastically alter things like the amount of federal funding coming into the state.

The Commerce Department cited a request from the Department of Justice to use the citizenship question to help with enforcement of the Voting Rights Act, but James called that a pretext in a video of a press conference last week.

James referred to a passage in Chief Justice John Roberts' 29-page opinion that states the Commerce Department's rationale, based on history of the case, was "unknown, but unrelated to the Voting Rights Act."

Roberts joined the four liberal justices on the court in remanding the case, but in a separate decision, sided with the four conservatives in ruling, according to Reuters, that "the U.S. Constitution does not in theory prevent the administration from adding a citizenship question." The chief justice's opinion listed the numerous times the question has been included on at least some of the questionnaires throughout history. Roberts was troubled by the appearance that the Voting Rights Act rationale appeared to be contrived.

"We are presented, in other words, with an explanation for agency action that is incongruent with what the record reveals about the agency's priorities and decisionmaking process," Roberts wrote. "... [F]or the sufficient reasons we have explained we cannot ignore the disconnect between the decision made and the explanation given. ...

"Reasoned decisionmaking under the Administrative Procedure Act calls for an explanation of agency action," Roberts said in his penultimate sentence. "What was provided here was more of a distraction."

[https://www.qchron.com/editions/central/citizenship-question-out-of-census-officials/article\\_eeec8618-9d11-11e9-bbe9-6fd2edf62ec4.html](https://www.qchron.com/editions/central/citizenship-question-out-of-census-officials/article_eeec8618-9d11-11e9-bbe9-6fd2edf62ec4.html)

July 2, 2019 8:00 PM

The administration of President Donald Trump on Tuesday dropped its plan to include a citizenship question on the 2020 census.

The action came in the wake of a U.S. Supreme Court ruling last week in which the panel by a 5-4 vote said Commerce Secretary Wilbur Ross's stated reason for including the question-allegedly to aid voting rights enforcement-"seems to have been contrived."

The high court said the agency could not include the question unless it was supported by a reasoned explanation.

The decision to drop the question was confirmed by the Commerce Department, which conducts the once-a-decade population count.

Ross said in a statement, "I respect the Supreme Court but strongly disagree with its ruling.... The Census Bureau has started the process of printing the decennial questionnaires without the question.

"My focus, and that of the bureau and the entire department, is to conduct a complete and accurate census," Ross said.

A total of six lawsuits challenging the question were filed by states, cities, counties and organizations in federal courts in California, New York and Maryland.

They argued that including the question would result in an unfair undercount of noncitizens and Hispanics by discouraging them from participating in the census. Census population counts are used to determine legislative districts and amounts of federal funding.

In all six cases, federal trial judges issued preliminary injunctions blocking the use of the question. The Supreme Court ruled in two New York cases.

California Attorney General Xavier Becerra, who filed a lawsuit in federal court in San Francisco, stated, "We celebrate a foundational principle of our democracy: that everyone counts. California, like many others, fought to protect our people, our values, and our resources."

San Francisco City Attorney Dennis Herrera said, "This is a triumph for all Americans. This should bring an end to the Trump administration's treacherous attempt to skew the census for political benefit."

San Francisco participated in a lawsuit filed in U.S. District Court in New York by 18 states led by the state of New York, the District of Columbia and 14 cities and counties.

American Civil Liberties Union attorney Dale Ho, who represented a coalition of advocacy groups in the second lawsuit in New York, stated, "In light of the Supreme Court's ruling, the Trump administration had no choice but to proceed with printing the 2020 census forms without a citizenship question. Everyone in America counts in the census, and today's decision means we all will."

<https://www.sfgate.com/news/bayarea/article/Update-State-City-Lawyers-Hail-Decision-To-Drop-14068378.php>

## Ops Lens: Trump Shamefully Climbs Down on Census Citizenship Question

By David Kamioner

July 3, 2019

In another case of previous hyperbole over present reality, the Trump administration has reversed itself and is allowing the census to be printed without a question on U.S. citizenship. This will potentially allow millions of illegal immigrants to be counted and will be a great help to the Dems and far-left in gaining congressional seats and electoral college numbers.

This news came yesterday from the NY attorney general's office. Trump Commerce Secretary Wilbur Ross confirmed the move.

The administration's sotto voce response is that it was up against a last Monday deadline to print the census and that the recent SCOTUS decision did not bode well for a future decision on the subject.

Malarkey.

The president himself even tweeted that he was thinking of holding up the census until the question was definitely resolved and the SCOTUS did not disallow the question, merely tanked the specific rationale the administration used in that case. It intentionally left the door open.

It is true, the census is constitutionally mandated and was on deadline. The president should have held it up anyway. He should have gone to the mattresses on this. The poll numbers on this subject would have massively supported Trump. I know that strategy would have been risky. It also would have been worth it.

Now another census won't be taken for ten years and this decision will be used as precedent. In a further blow, when state legislatures are executing reapportionment next year, these false numbers of actual American citizens can be used to draw state legislative seats. This consequence will rain down hard on social conservatives, as many social and cultural issues of a political nature are decided at the state level.

Yes, the president can play the martyr and use this to rile up the base. However, the political use is not worth the damage to the nation.

Why an aggressive conservative president, an intelligent man surrounded by intelligent people, did this remains to be seen. This was a hill to die on, given its long-term political consequences for the GOP and the country.

And don't give me "Trump 2020," "MAGA," or "I just trust in him." Blind trust is the territory of mobs and the gullible. We can only be honest with ourselves and what we stand for when we call the truth for what it is, in this case a mistaken climb down on an important subject.

The man is an effective president who has done a lot of good for America and will hopefully be reelected by a wide margin. But he got this one wrong. Really wrong.

<https://www.opslens.com/2019/07/trump-shamefully-climbs-down-on-census-citizenship-question/>

## Manhattan Times: Quitting on the Question

By Postmaster

July 2, 2019

It's official – there will be no citizenship question on the 2020 U.S. Census.

Days after being dealt a blow by the U.S. Supreme Court, and despite President Donald Trump's suggesting that there might be a delay in the Census, the administration revealed on Tuesday it is dropping its bid to add a question about citizenship.

In an email to lawyers for the plaintiffs challenging the addition of the question, Justice Department attorney Kate Bailey advised that the Census forms would be printed without the query.

"We can confirm that the decision has been made to print the 2020 Decennial Census questionnaire without a citizenship question, and that the printer has been instructed to begin the printing process," Bailey wrote.

The decision is seen as a triumph for immigrant advocates and civil rights groups, who insisted that a question asking about citizenship would discourage immigrants from completing the Census and suppress response rates.

"Today's news is a victory for New York State, for America, and for every single person in this nation," New York Attorney General Letitia James said in a statement.

"While the Trump administration may have attempted to politicize the Census and punish cities and states across the nation, justice prevailed, and the Census will continue to remain a tool for obtaining an accurate count of our population. Now is the time to shift gears and begin robust education and outreach campaigns to ensure each person in this country is counted. Everyone counts; therefore, everyone must be counted," James said.

Steven Choi, Executive Director of the New York Immigration Coalition (NYIC), the lead plaintiff in the legal battle to block the citizenship question, issued the following statement:

"This is a huge victory for immigrant communities, and shows what Americans can do when we're united against the Trump administration's anti-immigrant hate. Donald Trump tried to politicize the upcoming Census 2020 with the nefarious addition of a citizenship question, in a naked effort to instill fear in immigrants and communities of color. But the Supreme Court of the United States agreed with us, and today the Trump administration admitted defeat by removing this ridiculous citizenship question. Now it's up to us to make sure all New Yorkers—and all Americans—of every stripe will be counted in Census 2020."

On June 27, the U.S. Supreme Court issued a 5-4 ruling temporarily blocking the addition of a citizenship question.

Writing for the majority, Chief Justice John Roberts said the Commerce Department's contention that it was adding the citizenship question to enforce federal voting laws was insufficient.

The Trump administration had repeatedly said it faced a July 1 deadline to begin printing Census forms.

"Our community has won an enormous battle to keep this reckless question out of the upcoming Census. As the administration tried to subvert our democracy and erase us, together we fought back and won," said Javier H. Valdés, Co-Executive Director of Make the Road New York, a co-plaintiff in the case brought before the Supreme Court. "Now, we turn to the critical work of ensuring a full and fair count so that our communities receive the resources for schools, hospitals and vital services that we deserve and need. In the months ahead, our members and allies will undertake a massive effort to ensure that all our neighbors and loved ones are counted."

Also cheering the decision were members of the civic and business community, including Steven Rubenstein, Chairman of the Association for a Better New York (ABNY).

"This is a huge, huge victory for all New Yorkers that improves our chances of getting the federal funding and representation we deserve," said Rubenstein. "You cannot overstate the debt we have to Attorney General Letitia James, the City of New York, the New York Immigration Coalition, and everyone else who fought this case. Thank you for standing up for us. Now it's time for us all to be counted."

<https://www.manhattantimesnews.com/quitting-on-the-questionrenuncia-a-la-pregunta/>

France 24: Trump says 'sad time' after controversial census change abandoned

July 3, 2019 3:00 AM

President Donald Trump said Tuesday it was a "very sad time" after the US government gave up a controversial attempt to put a question about citizenship on next year's census.

The decision, announced earlier in the day, handed a victory to those who argued the new item would lead to discrimination against minority residents.

It followed a Supreme Court ruling that the case for adding the citizenship question was not convincing.

The president wrote on Twitter: "A very sad time for America when the Supreme Court of the United States won't allow a question of 'Is this person a Citizen of the United States?' to be asked on the #2020 Census!"

Trump added he had asked the departments of commerce and justice to "do whatever is necessary to bring this most vital of questions, and this very important case, to a successful conclusion."



Trump's initial reaction to the ruling had been to call for a delay in the imminent printing of the 2020 census forms, holding up the census in order to allow time for a new appeal.

That bid has now been dropped, ending any chance of changing the format of the massive, once-every-decade survey.

"We're glad the #2020Census will begin printing without a citizenship question," said New York State Attorney General Letitia James, who led a group of states challenging the administration on the issue.

Just this Monday, Trump had been defiant, telling reporters he wanted the census to find out who was a citizen "as opposed to an illegal."

"It is a big difference to me between being a citizen of the United States and being an illegal," he said.

Opponents argued that the question -- which has not been included since 1950 -- would drive many immigrants to avoid answering out of fear of being caught up in Trump's crackdown on illegal immigration.

This would render them invisible, skewing the population count and resulting in fewer government resources for the areas they live in, while distorting the lines of congressional districts, which are based on numbers of residents.

This was the intention all along, said Joe Biden, the frontrunner in the contest to become the Democratic opponent to Trump in 2020 presidential election.

"Make no mistake, the Trump Administration added a citizenship question to the Census to deliberately cut out the voices of immigrants and communities of color. It's wrong and goes against our core values as a nation," the former vice president tweeted.

The Census Bureau's experts said that 1.6 to 6.5 million immigrants, notably Hispanics, would avoid the census or lie to census takers if faced with the citizenship question.

<https://www.france24.com/en/20190703-trump-says-sad-time-after-controversial-census-change-abandoned>

## Twitter Exchange

### NY Times: Trump vs. N.Y.: Fact-Checking His Claims of 'Harassment' by the State

By Jesse McKinley and Vivian Wang

July 2, 2019

ALBANY — For two consecutive days, President Trump turned his Twitter fury against two of the highest elected officials in his home state: Gov. Andrew M. Cuomo and the attorney general, Letitia James, both Democrats.

It was not immediately clear what prompted Mr. Trump to lash out; his tweets on Monday focused on his treatment by Ms. James's office. Without mentioning Ms. James by name, the president said she was "harassing all of my New York businesses in search of anything at all they can find to make me look as bad as possible."

Mr. Trump continued his tirade on Tuesday, suggesting that New York's tax rate was driving away residents "like never before."

The outburst prompted a return of fire from Mr. Cuomo on Tuesday, who issued a statement entitled, "President Trump's Day 2 Twitter Tantrum," saying Mr. Trump was in "la la land."

The best things to do in N.Y.C. during the hottest season of the year. This limited-edition newsletter will launch before Memorial Day and run through Labor Day.

"If he is worried about law enforcement, he shouldn't break the law," Mr. Cuomo said in the statement. "If he is worried about New York taxes, he should repeal the New York tax penalty called SALT that he and Republicans passed, which targeted New York and raised our taxes by \$15 billion."

But was the president wrong? Here's an assessment on the veracity of Mr. Trump's tweets.

#### WHAT WAS SAID

It is very hard and expensive to live in New York. Governor Andrew Cuomo uses his Attorney General as a bludgeoning tool for his own purposes.

Mostly false.

It is expensive to live in New York City, but far less so in less populated areas of the state.

Unlike the nation's attorney general, who is appointed by the president, the New York attorney general is an elected position.

And although Mr. Cuomo endorsed Ms. James in last year's election and helped her campaign raise money, he emphasized that her office was distinctly separate.

"His suggestion that it's my attorney general is just incorrect," Mr. Cuomo said, before adding that "if he has nothing to hide, he has nothing to worry about."

"But," the governor concluded, "I think the tweet shows that his paranoia is once again getting the better of him."

Ms. James also hit back on Twitter on Monday, telling Mr. Trump that "no one is above the law," and highlighting that the president had not used her name. "My name is Letitia James," she wrote.

#### WHAT WAS SAID

I even got sued on a Foundation which took Zero rent & expenses & gave away more money than it had.

This is misleading.

The New York attorney general's office sued Mr. Trump's charity, the Donald J. Trump Foundation, last year, accusing it of "improper and extensive political activity, repeated and willful self-dealing transactions, and failure to follow basic fiduciary obligations."

The charity's tax filings show that it did incur more expenses than the revenue it took in. But the attorney general's lawsuit said that some of the foundation's funds were not used for charitable purposes, but were instead used to settle legal claims involving Mr. Trump's businesses, or to pay for a painting of Mr. Trump. The foundation was also effectively "co-opted" by Mr. Trump's 2016 campaign, the suit said.

Mr. Trump has admitted to using the foundation's money to contribute to political causes.

And while the filings do not show expenses for rent, the attorney general said the foundation had no employees, and its board had not met since 1999.

In December, the foundation agreed to dissolve. But the attorney general's office said the suit would continue to move forward.

#### WHAT WAS SAID

Going on for years, originally brought by Crooked Hillary's Campaign Chair, A.G. Eric Schneiderman, until forced to resign for abuse against women. They never even looked at the disgusting Clinton Foundation.

Mostly true.

The investigation into Mr. Trump's foundation was started by the former New York attorney general, Eric T. Schneiderman, in 2016. Mr. Schneiderman resigned in 2018 after The New Yorker published allegations from four women who said that he had physically assaulted them.

Mr. Schneiderman had previously said that allegations about misconduct by the Clinton Foundation did not rise to the level of an

investigation, because they largely amounted to paperwork issues.

“We’re not in a position to check that out and enforce it. We leave that to our federal counterparts,” he told Politico in 2016.

#### WHAT WAS SAID

People are fleeing New York like never before. If they own a business, they are twice as likely to flee. And if they are a victim of harassment by the A.G. of the state, like what they are doing to our great NRA, which I think will move quickly to Texas, where they are loved, Texas will defend them and indemnify them against political harassment by New York State and Governor Cuomo.

Mostly untrue.

While the population in some regions of upstate has declined or remained stagnant for decades, the overall population of the state has actually slightly increased during the last eight years of Mr. Cuomo’s administration, according to the United States Census Bureau.

And while Republican politicians, like Rick Scott, the former governor of Florida, have bragged about drawing business south — sometimes even sending thank you notes to northern-state leaders — Mr. Cuomo recently announced record high private sector employment in New York, though much of that is in the city and its suburbs.

As for harassment, President Trump seems to be referring to a running legal skirmish between the Cuomo administration and the National Rifle Association, which the governor has called an “extremist group.” Last year, the association filed a lawsuit against the governor and a state agency saying New York’s efforts to end a so-called carry guard insurance policy and other efforts had cost it “millions of dollars.”

Ms. James’s office has also opened an investigation into the gun group’s tax-exempt status, and has confirmed that it has issued subpoenas in the matter. The N.R.A., however, is not based in New York; its headquarters is in Virginia. Ms. James has special jurisdiction over the group because it was chartered in New York.

#### WHAT WAS SAID

So many people are leaving New York for Texas and Florida that it is totally under siege. First New York taxes you too high, then they sue you, just to complete the job.

Partially true, but needs context.

New Yorkers have contributed to a major inflow to Florida, but Californians are much more likely to move to Texas. Still, Mr. Cuomo has warned of the lure of Texas and other low-tax states, saying that his state is in competition for jobs and talent, and noting that he has held the line on taxes in New York.

And while New York does have some of the highest property and income taxes in the nation, Mr. Cuomo railed against the 2017 Trump tax overhaul, particular a cap on the state and local income tax deduction, which the governor has called “an economic missile” aimed at the residents of the state, particular those with valuable properties and high incomes who pay a large share of the total amount of taxes.

Mr. Cuomo on Tuesday said the president was wrong about New York’s taxes.

“I lowered taxes in New York. Trump raised them,” the governor said in a statement. “Try the truth for a change, Mr. President.”

<https://www.nytimes.com/2019/07/02/nyregion/trump-fact-check-nyc.html>

Roll Call: Trump suggests ‘this crew’ of 2020 Dems poised to use dirty tricks against him

By John Bennett

July 2, 2019 9:13 AM

FOIL G000636-091119 000430

With a single tweet Tuesday morning, President Donald Trump again harkened back to his 2016 election victory and suggested Democrats are poised to use dirty tricks to prevent him from winning again.

The president also used his preferred social media platform to pit Texas against New York over the National Rifle Association — popular among his conservative base — as he and his campaign team try to keep the Lone Star State in his column.

The pair of morning tweets showed a president very much in reelection mode serving up red meat for his political base on Twitter. To that end, the Trump team on Monday again showed its focus on the 2020 race when the White House announced Strategic Communications Director Mercedes Schlapp, who has been in the West Wing since Trump was sworn in in 2017, will soon take a role with the Trump-Pence 2020 campaign organization.

With most prominent polls showing Trump trailing the handful of leading 2020 Democratic presidential candidates in most of the key Electoral College battleground states, the president took to Twitter to suggest Democrats — before they even pick a nominee — already are preparing to try and derail his debate performances against his general election foe.

“As most people are aware, according to the Polls, I won EVERY debate, including the three with Crooked Hillary Clinton, despite the fact that in the first debate, they modulated the sound on me, and got caught,” Trump wrote

Trump was referring to a problem with his microphone during a September 2016 debate against Democratic nominee Hillary Clinton. Afterward, in the “spin room,” he complained to reporters about having a “defective mic,” wondering aloud, according to multiple reports: “Was that on purpose?”

The Commission on Presidential Debates issued this statement after that debate: “Regarding the first debate, there were issues regarding Donald Trump’s audio that affected the sound level in the debate hall.”

Three years later, the president who rarely shies away from pushing conspiracy theories popular with his base is making clear he still does not buy the commission’s story. He saw a Democratic conspiracy then — and another brewing.

As most people are aware, according to the Polls, I won EVERY debate, including the three with Crooked Hillary Clinton, despite the fact that in the first debate, they modulated the sound on me, and got caught. This crew looks somewhat easier than Crooked, but you never know?

Meantime, Texas appears to be on Trump’s mind. A Quinnipiac University poll released last year shows why. That survey showed Trump losing a hypothetical one-on-one general election there to former Vice President Joe Biden, 48 percent to 44 percent. And while Sens. Bernie Sanders of Vermont, Elizabeth Warren of Massachusetts and Kamala Harris of California, as well as South Bend, Indiana, Mayor Pete Buttigieg, former Texas Rep. Beto O’Rourke, and former Labor Secretary Julian Castro trailed him, all were within the poll’s 3.4 percent margin of error.

Trump has used a number of recent morning tweets to tee off on New York’s Democratic-run state government. He is a native New Yorker, growing up in the Queens borough of New York City before setting up shop in a penthouse in his Manhattan Trump Tower.

On Tuesday, he zeroed in on the Empire State’s investigation of the NRA’s finances and suggested the pro-gun organization, which has become increasingly vocal in supporting all sorts of conservative policy positions, move to Texas.

He claimed that people are “fleeing” New York “like never before,” criticizing the state’s tax rates on businesses. “And if they are a victim of harassment by the A.G. of the state, like what they are doing to our great NRA, which I think will move quickly to Texas, where they are loved.....,” he wrote.

New York Attorney General Letitia James is investigating the NRA’s tax-exempt status, with the New York Times reporting in May that she has instructed the organization to preserve financial records and documents.

The president sent a message to the NRA’s leadership, saying it should move its headquarters to Texas, claiming the Lone Star State would “defend them & indemnify them against political harassment by New York State and [Democratic] Governor [Andrew] Cuomo.”

Only the NRA’s headquarters is not in New York — the organization is based in Fairfax, Virginia, its large glass building towering over a section of Interstate 66 about 20 miles outside Washington, D.C.

It was not immediately clear the president is aware of that.

<http://www.rollcall.com/news/trump-suggests-this-crew-of-2020-dems-poised-to-use-dirty-tricks-against-him>

## NBC News: 'Harassment': Trump rails against NY Dems for investigation into NRA

By Allan Smith

July 2, 2019 9:01 AM

For the second straight day, President Donald Trump vented online about New York Gov. Andrew Cuomo and state Attorney General Letitia James, this time focusing on the latter's investigation of the National Rifle Association.

"People are fleeing New York like never before," Trump tweeted Tuesday morning. "If they own a business, they are twice as likely to flee. And if they are a victim of harassment by the A.G. of the state, like what they are doing to our great NRA, which I think will move quickly to Texas, where they are loved."

"Texas will defend them & indemnify them against political harassment by New York State and Governor Cuomo," Trump continued. "So many people are leaving New York for Texas and Florida that it is totally under siege. First New York taxes you too high, then they sue you, just to complete the job."

In April, the New York attorney general opened an investigation into the NRA's tax-exempt status. Soon after, the group's then-president, Oliver North, announced he would step down.

Prior to that, North sought to oust the NRA's longtime chief executive, Wayne LaPierre, and said in a letter in the group's annual convention that the organization had "a clear crisis" on its hands that needed to be dealt with "immediately and responsibly." North had formed a committee to investigate any financial improprieties in the organization.

The NRA kerfuffle first spilled out into the public when The Wall Street Journal reported on the strife between North and LaPierre. North said any such financial improprieties could threaten the organization's nonprofit status. Meanwhile, LaPierre accused North of trying to extort him, threatening to release damaging information if the chief executive did not resign.

At the time, Trump tweeted that the NRA needed to "get its act together" because it was "under siege."

Responding to those tweets, James' office said in a statement that the state attorney general "is focused on enforcing the rule of law."

"In any case we pursue, we will follow the facts wherever they may lead," she said. "We wish the President would share our respect for the law."

On Monday, Trump also laid into Cuomo and James, saying in an afternoon tweet storm that the governor is using the state's attorney general to target Trump's businesses for political purposes.

Cuomo responded that Trump "says the most absurd things" and his "strength is not fact or truth."

The governor also noted that the New York attorney general is elected, adding that Trump's "suggestion that it's my attorney general is incorrect."

James tweeted in response that as "the elected AG of NY, I have a sworn duty to protect & uphold state law."

Trump has repeatedly claimed that people and businesses are leaving New York state in record numbers. It's true that people are leaving New York state in record numbers — according to Census data — but it's hard to gauge departing businesses. There's some anecdotal evidence that some businesses might be leaving the Big Apple, but there is also evidence that more than 10,000 businesses open and close in the state each year.

<https://www.nbcnews.com/politics/donald-trump/trump-laments-ny-probe-nra-second-day-complaints-about-donors-n1025601>

## Bloomberg News: Trump predicts NRA will move to Texas to flee New York 'Harassment'

By Caitlin Webber

July 2, 2019 8:39 AM

President Donald Trump predicted the National Rifle Association would soon move to Texas to flee "harassment" by the New York state government, although the organization is not based in the Empire State.

The NRA is loved in Texas, Trump said in a series of tweets Tuesday, the second day in a row he has used Twitter to accuse New York officials of targeting political opponents, causing businesses and organizations to leave the state.

New York Attorney General Letitia James opened an investigation into the gun-rights group's nonprofit status in April. The NRA, which was first chartered in New York in 1871, is suing the state's financial regulator, claiming its investigation into the organization's insurance products is part of a vendetta led by Governor Andrew Cuomo, a frequent critic.

Cuomo "uses his Attorney General as a bludgeoning tool for his own purposes," Trump said in a tweet Monday. "They sue on everything, always in search of a crime."

The NRA's headquarters is in Fairfax, Virginia.

[https://www.lmtonline.com/business/article/Trump-Predicts-NRA-Move-to-Texas-to-Flee-New-York-14066279.php?utm\\_campaign=hptexas](https://www.lmtonline.com/business/article/Trump-Predicts-NRA-Move-to-Texas-to-Flee-New-York-14066279.php?utm_campaign=hptexas)

## The Hill: Trump: People are fleeing New York for Texas, Florida

By Chris Mills Rodrigo

July 2, 2019 9:21 AM

President Trump on Tuesday blasted New York, claiming without evidence that "people are fleeing" the state while saying they should "move quickly to Texas" and Florida.

"People are fleeing New York like never before. If they own a business, they are twice as likely to flee. And if they are a victim of harassment by the A.G. [attorney general] of the state, like what they are doing to our great NRA, which I think will move quickly to Texas, where they are loved," the president tweeted.

"Texas will defend them & indemnify them against political harassment by New York State and Governor Cuomo. So many people are leaving New York for Texas and Florida that it is totally under siege. First New York taxes you too high, then they sue you, just to complete the job."

The tweets Tuesday are the second time in as many days that Trump has targeted New York Gov. Andrew Cuomo (D) and state Attorney General Letitia James (D).

On Monday, the president said Cuomo was using James as "bludgeoning tool" against him, while also calling the state "expensive."

While New York City lost roughly 40,000 residents last year, according to the census, the state's overall population has increased.

Though it is not clear what about New York has specifically drawn Trump's ire on Twitter in the last couple of days, James has been aggressive in investigating Trump, his administration and his business interests.

She has filed or joined a barrage of lawsuits on issues from the administration's decision to add a citizenship question to the census to the Trump Organization's business practices.

Former New York Attorney General Eric Schneiderman (D), who resigned in May 2018 after he was accused of abusing multiple women, began a lawsuit which resulted in the Trump Foundation being shuttered.

Schneiderman has denied the abuse allegations against him.

Cuomo and James both responded to Trump's tweets on Monday.

Cuomo said Trump was distorting his record and “doesn’t really understand how government works,” while James said that “No one is above the law.”

<https://thehill.com/homenews/administration/451300-trump-people-are-fleeing-new-york-for-texas-florida>

Fox News: Trump says New York legal ‘harassment’ forcing businesses to flee, NRA may be next

By Brooke Singman

July 2, 2019 8:39 AM

President Trump ramped up his criticism Tuesday of New York Gov. Andrew Cuomo's administration, accusing him and state Attorney General Letitia James of harassing [businesses](#) including his own and saying high taxes and lawsuits are forcing many to flee to low-tax states like Texas.

He suggested the National Rifle Association could be next to go.

“People are fleeing New York like never before. If they own a business, they are twice as likely to flee. And if they are a victim of harassment by the A.G. of the state, like what they are doing to our great NRA, which I think will move quickly to Texas, where they are loved,” Trump tweeted.

“Texas will defend them & indemnify them against political harassment by New York State and Governor Cuomo. So many people are leaving New York for Texas and Florida that it is totally under siege,” he continued. “First New York taxes you too high, then they sue you, just to complete the job.”

The president’s tweets come after he blasted the same two officials on Monday for “harassing all of [his] New York businesses in search of anything at all they can find to make me look as bad as possible.”

James, whom Trump said was being used by Cuomo as a “bludgeoning tool,” has been leading several Trump-related investigations since taking her post last year.

But in April, James’ office also launched an investigation into the NRA’s finances, amid a rift between the Second Amendment rights group’s leadership and accusations of financial misconduct.

Trump, at the time, said the organization was “under siege” by Democrats working to “destroy” the organization.

The NRA sued Cuomo last year, claiming that Cuomo’s “blacklisting” campaign threatened its ability to pursue its mission. The group said it lost insurance coverage after New York’s actions, which they claimed blocked organizations from doing business with the NRA.

Meanwhile, the state's Trump-focused probes included the lawsuit against the Trump Foundation in 2018, claiming it engaged in illegal activity and “unlawful political coordination” to benefit Trump’s personal and business interests. The Foundation agreed to dissolve, and James called on Trump to pay \$8.4 million in penalties and restitution as part of the settlement.

James, before taking office, warned that she would “use every area of the law” to investigate the Trump family.

Her office is also currently investigating the Trump Organization for allegedly underpaying undocumented immigrants who worked at a Trump-owned golf club. They also subpoenaed financial records including loan applications and mortgages from institutions including Deutsche Bank as part of a probe of Trump Organization projects.



Trump blasted all of the investigations on Monday as part of a “political Witch Hunt.”

Cuomo, in response, said he has “reduced taxes” in the state of New York, but said that nothing Trump says “can surprise me or the people of this country.” He also denied using James as his “tool,” reminding that she was elected by the people of New York—not chosen by him.

<https://www.foxnews.com/politics/trump-says-new-york-legal-harassment-forcing-businesses-to-flee-nra-may-be-next>

Raw Story: Trump lashes out at probes of his family business: “First they tax you — then they sue you”

By Travis Gettys

July 2, 2019 11:47 AM

President Donald Trump started off the day with another Twitter rant against the state of New York and its investigations of his family business.

The president ranted Monday against the state and its Democratic governor, Andrew Cuomo, and attorney general, Latitia James, for investigating the Trump Organization and Trump Foundation, which was forced to shut down over financial improprieties.

“People are fleeing New York like never before,” Trump tweeted Tuesday morning. “If they own a business, they are twice as likely to flee. And if they are a victim of harassment by the A.G. of the state, like what they are doing to our great NRA, which I think will move quickly to Texas, where they are loved.”

The NRA is facing its own existential threat from an investigation by James of alleged financial improprieties by the gun manufacturer lobbying group’s leadership.

“Texas will defend them & indemnify them against political harassment by New York State and Governor Cuomo,” Trump tweeted. “So many people are leaving New York for Texas and Florida that it is totally under siege. First New York taxes you too high, then they sue you, just to complete the job.”

It’s not clear what has prompted the president’s recent attacks on his home state.

[https://www.salon.com/2019/07/02/trump-lashes-out-at-probes-of-his-family-business-first-they-tax-you-then-they-sue-you\\_partner/](https://www.salon.com/2019/07/02/trump-lashes-out-at-probes-of-his-family-business-first-they-tax-you-then-they-sue-you_partner/)

ABC News 10: President enters a war of words on Twitter with NY officials

By Corina Cappabianca

July 2, 2019 5:34 PM

President Donald Trump took aim at New York State and Governor Andrew Cuomo in a Twitter war of words.

For the second morning in a row, Pres. Trump went after New York Gov. Andrew Cuomo and the attorney general’s office.

In a tweet, the president wrote, “So many people are leaving New York for Texas and Florida that it is totally under siege. First New York taxes you too high, then they sue you, just to complete the job.”

Governor Cuomo responded in a statement saying:

“President Trump is in la la land. If he is worried about law enforcement, he shouldn’t break the law. If he is worried about New York taxes, he should repeal the New York tax penalty called SALT that he and Republicans passed, which targeted New York and raised our taxes by \$15 billion.”

Cuomo addressed the federal tax law at a press conference in June.

"They've assaulted this state economically with their tax reform act that targets New York," he said.

The federal tax reform law limited state and local tax deductions on federal income tax returns to \$10,000.

On Monday, President Trump tweeted: "It is very hard and expensive to live in New York. Governor Andrew Cuomo uses his Attorney General as a bludgeoning tool for his own purposes. They sue on everything, always in search of a crime. I even got sued on a Foundation which took Zero rent & expenses."

Attorney General James responded back, in part: "My office will follow the facts of any case, wherever they lead. Make no mistake: No one is above the law, not even the President."

<https://www.news10.com/news/local-news/president-enters-a-war-of-words-on-twitter-with-ny-officials/>

## Newsweek: NRA TELLS DONALD TRUMP THANKS, BUT NO THANKS AFTER HE SAYS THE GUN-RIGHTS GROUP SHOULD FLEE NEW YORK FOR TEXAS

By Asher Stockler

July 2, 2019 1:04 PM

The National Rifle Association (NRA) has politely declined a suggestion from President Donald Trump on Tuesday that the group flee New York in favor of the more gun-friendly State of Texas. Trump's comment was made despite the fact that the gun-rights organization is headquartered in Fairfax, Virginia.

Trump wrote that if an organization is the "victim of harassment by the A.G. of [New York], like what they are doing to our great NRA," then that group will "move quickly to Texas, where they are loved."

The NRA, which donated over \$30 million to Trump's campaign in 2016, welcomed the intervention.

"The NRA appreciates the ongoing support from President Trump," NRA managing director of public affairs Andrew Arulanandam told Newsweek in a written statement. "He's a champion for our cause and the freedoms for which we stand."

However, despite the organization's occasional differences with New York Governor Andrew Cuomo, Arulanandam said "we have a long and proud history in New York—for almost 150 years," and emphasized that, despite frequent calls to decamp to another state, "our plan is to stay there."

"We'll fight for our members right there and across the nation, and defend their interests like never before," he added.

Letitia James, the New York State attorney general, has opened a probe into the NRA's finances after several reports in recent months revealed potential instances of financial impropriety. The NRA said it has had to sue its longtime PR firm Ackerman McQueen to obtain business records needed to respond to the attorney general's inquiry.

While the NRA has its charter in New York, the organization is headquartered in Virginia. The charter allows James to conduct oversight of the organization, but a change in jurisdiction would not quell the NRA's mounting legal woes. Ackerman has sued the NRA as part of the groups' acrimonious split, and their court fight is currently playing out in the Circuit Court of Alexandria. Wherever the NRA would relocate, per the president's suggestion, that would not immunize the group from civil litigation.

If the NRA wanted to relocate it would first have to file a certificate of dissolution with New York's Department of State, and only after the attorney general's office has given its stamp of approval.

"Under New York law you have to get permission from the state's attorney general to do that," James Fishman, a Pace Law School professor and the author of New York Nonprofit Law and Practice, told Newsweek. "That's really to stop organizations that, say, are

crooked from dissolving and running away to another state. The NRA is stuck."

Furthermore, the president himself has run into trouble trying to evade oversight from the New York Attorney General's Office. On Christmas Eve 2016, then-President-elect Trump announced that his namesake foundation would close amid heightened scrutiny over allegations of potential self-dealing.

During that dispute and a then-ongoing probe by then-state Attorney General Eric Schneiderman, the attorney general's office released a statement informing Trump that he could not dissolve the foundation while it was being investigated, a blow to the president's efforts to remove the ethical cloud surrounding his business empire.

Fishman figured that James "could get the NRA to reorganize and promise to clean everything up" in return for an approval of a dissolution certificate. But that would certainly depend on the outcome of her office's investigation which, until finished, the NRA is beholden to under a New York law which grants the state's attorney general oversight of the non-profit sector.

The New York State Attorney General's Office did not immediately respond to a request for comment.

<https://www.newsweek.com/nra-donald-trump-new-york-texas-1447134>

USA Today: Trump accuses New York Gov. Cuomo of using attorney general to target his businesses

By Jon Campbell

July 2, 2019 9:39 AM

ALBANY – President Donald Trump criticized New York Gov. Andrew Cuomo in a series of tweets Monday, accusing him of using state Attorney General Letitia James as a "bludgeoning tool" by targeting Trump's businesses and foundation with investigations and lawsuits.

Trump, a Republican from New York, has often lashed out at the state's high taxes and Democratic leadership on Twitter.

He did so again Monday, when he took issue with a series of state investigations into his business practices, claiming it is causing his businesses and children to spend large sums on lawyers.

The Trump Organization is now run by Eric and Donald Trump Jr., the president's sons.

"Now Cuomo's A.G. is harassing all of my New York businesses in search of anything at all they can find to make me look as bad as possible," Trump tweeted. "So, on top of ridiculously high taxes, my children and companies are spending a fortune on lawyers. No wonder people and businesses are fleeing New York in record numbers!"

It is very hard and expensive to live in New York. Governor Andrew Cuomo uses his Attorney General as a bludgeoning tool for his own purposes. They sue on everything, always in search of a crime. I even got sued on a Foundation which took Zero rent & expenses & gave away...

Trump followed those tweets up with more on Tuesday morning, when he criticized New York's tax system and claimed "so many people" are leaving New York for Texas and Florida.

<https://www.usatoday.com/story/news/politics/2019/07/02/trump-accuses-new-york-gov-andrew-cuomo-targeting-trump-businesses/1626287001/>

Newsday: Trump's charity was exposed and closed, and now he decries wider NY probes

By Dan Janison

July 2, 2019 8:08 PM

President Donald Trump spewed Twitter bile this week about New York, Gov. Andrew M. Cuomo and other political leaders.

This came without obvious prompting from any news item.

Notably, Trump complained that the state attorney general, Letitia James, "is harassing all of my New York businesses in search of anything at all they can find to make me look as bad as possible."

Trump wrote, "I even got sued on a foundation" created under New York's nonprofit charity laws, attempting to link that to Cuomo, Hillary Clinton and high taxes.

It is Trump's complaint about the investigations — in the same martyr-like wails that marked his running narrative in the Mueller affair — that sparks curiosity.

Why did he raise this now, right after his Asia trip? Was it a response to some fresh line of questioning or subpoena that has yet to become public? Officials weren't saying.

Everyone who keeps up with these matters already knew Trump and three of his adult children were under scrutiny in New York, dating to well before James' election last November.

In December, his Donald J. Trump Foundation agreed to dissolve and give away its remaining assets under court supervision as part of the attorney general's investigation. The office had said the foundation was "functioning as little more than a checkbook to serve Mr. Trump's business and political interests."

The entity was accused of engaging in "a shocking pattern of illegality" that included unlawfully coordinating with Mr. Trump's 2016 presidential campaign. Even former Trump lawyer Michael Cohen, now in prison, had told Congress about its sketchy dealings.

Before that, Trump settled for \$25 million to cap the Trump University class action lawsuit during which he paranoiacally attacked a judge as biased based on his being Mexican-American.

But it wasn't until March that new state inquiries cropped up.

AG James' office issued subpoenas to Deutsche Bank and Investors Bank for records about the financing of Trump Organization projects and a failed attempt in 2014 to purchase the Buffalo Bills, The New York Times reported.

Trump has displayed particular sensitivity on that front. Two years ago, for example, he warned of setting a "red line" against former special counsel Robert Mueller delving into his business affairs.

Cohen told Congress in February that Trump inflated his assets on financial statements submitted to Deutsche Bank. The projects James is exploring were reported to be in Washington, D.C., Miami and Chicago.

One of them, the Trump International Hotel in Washington, run by his son Donald Jr., draws customers from the capital's political class, including connected foreign guests, amid accusations of a conflict of interest from ethics experts.

In his most recent raft of tweets Trump moaned: "My children and companies are spending a fortune on lawyers."

Do they know of a shoe that's about to drop?

<https://www.newsday.com/long-island/columnists/dan-janison/trump-cuomo-james-1.33304802>

NY Daily News: Trump trashes New York for high taxes — plus 'harassment' of him

By David Goldiner

July 2, 2019 9:54 AM

If the taxman don't get you, Tish James will.

President Trump resumed his feud with his home state Tuesday, tweeting his spleen over the state's high taxes (he made them higher) and zealous law enforcement (it cracked down on his foundation and fake college).

In a pair of rambling tweets, Trump suggested that anyone would want to flee the Empire State to avoid its high taxes.

It's true that New Yorkers face some of the highest taxes in the nation. But Trump failed to mention that he made the burden higher by pushing to end the federal deduction for state and local taxes.

Trump went on to incomprehensibly attack New York for relentlessly investigating him and for fraud and other things.

Trump brands such investigations, like the ones that Attorney General Letitia James is overseeing, as nothing more than "harassment."

New York prosecutors forced Trump's foundation to shut down amid allegations of self-dealing and fraud. It also won a \$50 million settlement over claims of fraud at now-defunct Trump University.

Trump's advice might work for someone trying to evade New York taxes, although accountants warn that audits often target those trying to claim residency in no-tax states.

But it definitely won't help him escape scrutiny in the state where most of his businesses are based.

<https://www.nydailynews.com/news/politics/ny-trump-new-york-taxes-national-rifle-association-20190702-k2q675evonbctkbihx4fujmerq-story.html>

Newsday: Donald Trump: Robert Mueller 'must' stick to report in House testimony

By Laura Figueroa Hernandez

July 2, 2019 1:32 PM

WASHINGTON — President Donald Trump on Tuesday said former special counsel Robert Mueller "must" stick only to the contents of his final report when he testifies before Congress this month about his investigation into Russian election interference and alleged attempts by Trump to obstruct the probe.

Trump in a series of morning tweets also took jabs at Gov. Andrew M. Cuomo and State Attorney General Letitia James for the second straight day, and he said members of the field of 2020 Democratic contenders would be "easier" for him to face in a presidential debate.

Mueller, who is set to testify before the House Intelligence and Judiciary committees on July 17, has said he will not offer any new information not already in his 448-page final report.

However, congressional Democrats have said they plan to press the former special counsel for more details about the underlying evidence that formed the basis of the report.

"Robert Mueller is being asked to testify yet again. He said he could only stick to the Report, & that is what he would and must do," Trump tweeted. "After so much testimony & total transparency, this Witch Hunt must now end. No more Do Overs. No Collusion, No Obstruction. The Great Hoax is dead!"

Trump's tweets came a week after his personal attorney Jay Sekulow said in a CNN interview that the president's legal team would not attempt to interfere with Mueller's testimony. Trump has blocked current and former White House aides from complying with a series of congressional subpoenas issued after the Mueller report's release.

On Tuesday, the president kicked off his morning tweets by taking aim at Cuomo and James, both Democrats, for a second straight day, accusing them of driving New York residents and corporations to move to Florida and Texas for lower tax rates.

Trump revived his long standing gripes about probes by James' office into his finances and those of the National Rifle Association. He labeled the investigations "political harassment" that was spurring businesses to leave the state.

"People are fleeing New York like never before. If they own a business, they are twice as likely to flee. And if they are a victim of harassment by the [attorney general] of the state, like what they are doing to our great NRA, which I think will move quickly to Texas, where they are loved," Trump tweeted.

In a follow-up tweet he wrote: "Texas will defend them & indemnify them against political harassment by New York State and Governor Cuomo. So many people are leaving New York for Texas and Florida that it is totally under siege. First New York taxes you too high, then they sue you, just to complete the job."

In a statement, Cuomo said Trump was "in la la land. If he is worried about law enforcement, he shouldn't break the law. If he is worried about New York taxes, he should repeal the New York tax penalty called SALT that he and Republicans passed, which targeted New York and raised our taxes by \$15 billion."

Cuomo continued, "I lowered taxes in New York. Trump raised them. Try the truth for a change, Mr. President."

James on Monday defended the state investigations, tweeting, "No one is above the law, not even the President."

Trump's tweets come amid multiple probes led by James into Trump's business dealings and personal finances.

In April, James also launched a probe into the NRA's finances after some of the group's own leaders complained that the nonprofit was mismanaging its funds.

The powerful gun-lobbying organization, whose primary office is located just outside Washington, D.C., is registered as a nonprofit organization in New York, giving the attorney general's office authority to examine its finances.

Trump also took to Twitter on Tuesday to boast about his 2016 debate performances against a large group of GOP primary contenders and three one-on-one debates with Democrat Hillary Clinton.

The President claimed to have "won EVERY debate," before saying the 2020 field of Democratic presidential hopefuls "looks somewhat easier ... but you never know?"

<https://www.newsday.com/news/nation/trump-mueller-cuomo-tweet-1.33294505>

Daily Mail: Trump defends 'great' NRA amid turmoil and fleeing leadership as he dares gun group to move from New York to Texas to escape Democrats' 'harassment'

By David Martosko

July 2, 2019 9:23 AM

Donald Trump defended the National Rifle Association on Tuesday amid unprecedented turmoil for the politically indispensable gun lobby group that is shedding its leaders, shuttering its online TV platform and cutting ties with its longtime PR firm.

The president had not voiced public support for the NRA since shortly after he told the group's annual convention on April 26 that 'gun owners make our communities safer and they make our nation stronger.'

On Tuesday he framed the group as a victim of longstanding 'harassment' from New York Gov. Andrew Cuomo and the state's attorney general, Letitia James – and suggested it might pull up stakes.

'People are fleeing New York like never before. If they own a business, they are twice as likely to flee,' Trump tweeted.

'And if they are a victim of harassment by the A.G. of the state, like what they are doing to our great NRA, which I think will move quickly to Texas, where they are loved ... Texas will defend them & indemnify them against political harassment by New York State and Governor Cuomo.'

The president tweeted on April 29 that '[t]he NRA should leave and fight from the outside of this very difficult to deal with (unfair) State!'

But he hadn't rushed to its defense since a series of dominoes began to fall, jeopardizing the gun-rights organization that dates to 1871 and boasts nearly 5 million members.

The NRA last month severed ties with its Oklahoma-based PR firm, Ackerman McQueen, for refusing to document its billings.

It has paid the firm tens of millions of dollars in the decades since they partnered up to shape the group's messaging.

NRATV, a prominent vehicle for the group's online public relations power, that featured hosts talking about everything from immigration to weaponry, was part of Ackerman McQueen's portfolio and got the axe.

Last week Chris Cox, the NRA's top lobbyist and principal political strategist, resigned amid reports of in-fighting within the group.

He had worked with the NRA since 1995 and was widely viewed as its second-in-command, and the likely successor to CEO Wayne LaPierre.

Cox quit less than a week after he was put on administrative leave over claims that he was complicit in a plot to oust LaPierre from the top job.

Documents filed in a New York court last month against the group's former president, Oliver North, reportedly included text exchanges between Cox and a board member discussing plans to boot LaPierre.

Cox has vehemently denied such claims as 'offensive and patently false.'

'For 24 years I have been a loyal and effective leader in this organization,' he said in a statement.

As principal political strategist, Cox was also responsible for directing money into Donald Trump's 2016 presidential campaign – and was expected to play the same role next year.

Trump's coalition of 'deplorables' in a handful of states that are key to his re-election relies heavily on the NRA's core demographic: largely white, rural voters who trend Republican and are politically engaged.

Re-establishing his bona fides with gun owners at a time when their most visible lobby group is teetering could prove to be a critical political strategy.

The NRA's split with Ackerman McQueen threatens to become a festering wound of vicious in-fighting.

During their decades-long relationship the firm was responsible for crafting the group's aggressive advertisements and messaging, including the now-famous "From my cold dead hands" line uttered by actor Charlton Heston in 2000 as he vowed to resist any effort to take away his guns.

Ackerman McQueen has accused the NRA of trying to avoid its financial obligations by shuttering NRATV and implied its financial woes are partly the result of now paying for high-priced lawyers.

The most prominent of those attorneys, Bill Brewer, is the brother-in-law of Ackerman McQueen CEO Revan McQueen.

<https://www.dailymail.co.uk/news/article-7204873/Trump-defends-great-NRA-amid-turmoil-fleeing-leadership.html>

Newsmax: Trump: People 'Fleeing New York' For Texas Over NRA, Taxes

By Sandy Fitzgerald

July 2, 2019 8:49 AM



President Donald Trump claimed Tuesday that people are "fleeing New York like never before" for Texas and Florida because of taxes and the treatment the National Rifle Association is receiving.

"If they own a business, they are twice as likely to flee," the president [tweeted](#). "And if they are a victim of harassment by the A.G. of the state, like what they are doing to our great NRA, which I think will move quickly to Texas, where they are loved."

"Texas will defend them & indemnify them against political harassment by New York State and Governor Cuomo," he [added](#). "So many people are leaving New York for Texas and Florida that it is totally under siege. First New York taxes you too high, then they sue you, just to complete the job."

New York Attorney General Letitia James earlier this year [opened a probe](#) into the NRA's tax-exempt status, issuing letters to top NRA officials and affiliated groups to preserve financial records before issuing subpoenas to some of the NRA's related businesses.

Last year, the NRA sued Gov. Andrew Cuomo, saying a "blacklisting" campaign caused it to lose insurance coverage.

James' office is also currently investigating the Trump Organization for claims it underpaid undocumented immigrants working at a Trump-owned golf club. On Monday, Trump called the investigations a "political witch hunt," reports [Fox News](#).

<https://www.newsmax.com/newsfront/trump-new-york-nra-twitter/2019/07/02/id/922958/>

## IJR News: POTUS Claims People Are 'Fleeing' New York Like 'Never Before' — Points to AG 'Harassment'

By Houston Keene

July 2, 2019 2:05 PM

President Donald Trump claimed that people are leaving in droves from the state of New York to places like Florida and Texas, pointing to the Empire State's "high taxes" and "harassment" from the state's attorney general.

In a series of tweets published Tuesday morning, Trump took aim at his home state of New York, pointing out that people are "fleeing" the state "like never before" and that they are "twice as likely to flee" if they are business owners.

The president continued on to claim that the Attorney General of New York Letitia James was involved in the "harassment" of businesses and suggested that the NRA would be the next company to get out of Dodge.

"And if they are a victim of harassment by the A.G. of the state, like what they are doing to our great NRA, which I think will move quickly to Texas, where they are loved," Trump wrote.

Trump's Tuesday tweets follow up on his remarks from a day earlier, where he also torched Cuomo and James, claiming the pair were "harassing all of [his] New York businesses in search of anything at all they can find to make me look as bad as possible."

The president's claims of people leaving from New York are backed up by the numbers.

Census Bureau figures released earlier this year saw New York City lose nearly 40,000 people to other metropolitan areas, such as the Dallas-Fort Worth-Arlington area in Texas and the Phoenix-Mesa-Scottsdale area in Arizona.

Additionally, many companies are leaving the Empire State, as well.

AT&T Services is relocating some of their operations from Syracuse, New York, down to Orange Park, Florida. Additionally, Kiss Products — who makes artificial fingernails — previously announced a move to New Jersey from their Long Island plant.

<https://ijr.com/donald-trump-people-fleeing-new-york/>

By Matt Zdun

July 2, 2019 10:33 AM

In a series of early morning tweets, President Donald Trump blasted New York and seemingly implored Americans to “move quickly to Texas, where they are loved.”

“People are fleeing New York like never before,” the president tweeted. “If they own a business, they are twice as likely to flee. And if they are a victim of harassment by the A.G. of the state, like what they are doing to our great NRA.”

The president continued his glowing endorsement of Texas, at the expense of New York, saying “Texas will defend them & indemnify them against political harassment by New York State and Governor Cuomo.”

New York and its governor and attorney general have been the butt of Trump’s tweets in recent days.

The president’s words align with Lt. Gov. Dan Patrick who has praised the state for attracting business owners and stealing away residents from states such as California.

Texas’ population continues to grow quickly, [adding more people than any other state](#)

<https://www.statesman.com/news/20190702/trump-praises-texas-slams-new-york>

## Brompton Heights Assisted Living

### Spectrum News: 4 Charged, Fired from Brompton Heights Facility After Patient Walks Out

By Spectrum News Staff

July 2, 2019 4:52 PM

Four people responsible for caring for people at an assisted living home in Williamsville are accused of ignoring alarms and letting an elderly patient wander outside in freezing temperatures.

Personal care assistants George Stokes, LaQuanda Johnson, Caprice Newbern and medical technician Stephanie Shinault worked at the Brompton Heights Assisted Living Facility.

New York Attorney General Letitia James said Stokes was sleeping during an overnight shift in December 2017, leaving his hall unattended.

Investigators said during that time an 87-year-old woman, wearing only a nightgown, wandered out through an emergency exit.

The woman was found several hours later, nearly unconscious with hypothermia and frostbite.

The other three defendants are accused of ignoring the door alarm and taking their breaks at the same time.

Brompton Heights said all four people violated multiple policies and were immediately fired.

The four are charged with endangering the welfare of a vulnerable elderly person, which is a felony.

If convicted they face one to four years in prison.

The state Department of Health released a statement Tuesday, saying:

“The safety and wellbeing of assisted living residents is of paramount importance to the Department of Health. In Dec. 2017, we immediately began an investigation of this incident, which resulted in Brompton Heights being cited for multiple deficiencies. The Department will continue to hold providers accountable for their actions.”

Brompton Heights also issued a statement, saying:

"Brompton Heights has made significant strides in compliance and addressing concerns. Specifically, Brompton Heights has focused on training, staffing and fostering a culture of compassion. Doubling down on employee training, quality assurance, and recruitment are all ways Brompton Heights has paved a path forward to provide excellent care to each of our residents."

<https://spectrumlocalnews.com/nys/buffalo/news/2019/07/02/brompton-heights-workers-fired-endangering-welfare-elderly-patient>

## WGRZ: Four employees of Amherst assisted living facility facing charges

By WGRZ Staff

July 2, 2019 7:37 PM

Four employees from an assisted living facility in Amherst are accused of putting an elderly resident in harm's way.

An elderly resident wandered from the Brompton Heights Assisted Living Facility in December 2017 and was found after being outdoors for hours in freezing temperatures.

The New York State Attorney General's office says one of the employees, George Stokes, was asleep for four and a half hours during an overnight shift and the residential hall he was assigned to monitor was left unattended.

During that time, the 87-year-old resident, wearing only a nightgown, walked out through an emergency exit. Officials say she was found several hours later, nearly unconscious and suffering from hypothermia and frostbite.

According to the NYS AG's office, three other employees, Stephanie Shinault, Caprice Newbern and LaQuanda Johnson were working at a nurse's station in the wing where the resident resided.

Investigators say they allegedly muted or ignored the alarms that were set off when the resident left through the exit doors. It's alleged the three took their breaks together and then left at the same time knowing Stokes was still asleep.

"We will never tolerate neglectful behavior that puts our most vulnerable individuals in harm's way," said Attorney General Letitia James. "New Yorkers deserve every assurance that their loved ones are safe in the nursing homes they entrust with their care. Anything less is unconscionable, and my office will continue to hold those responsible accountable for their egregious actions."

All four employees were arrested last month and charged with felony Endangering the Welfare of a Vulnerable Elderly Person in the Second Degree and misdemeanor Endangering the Welfare of an Incompetent Person in the Second Degree.

They could face up to one to four years in prison if convicted of the felony charge.

Two On Your Side reached out to the assisted living facility for a comment. Here is the statement issued through a public relations firm hired to handle media requests. "

"Following a thorough investigation of the December 2017 incident, it was determined the former employees in question had violated multiple organizational policies – and the former employees were promptly terminated as a result. Brompton Heights has made significant strides in compliance and addressing concerns. Specifically, Brompton Heights has focused on training, staffing and fostering a culture of compassion. Doubling down on employee training, quality assurance, and recruitment are all ways Brompton Heights has paved a path forward to provide excellent care to each of our residents."

<https://www.wgrz.com/article/news/crime/four-employees-of-amherst-assisted-living-facility-facing-charges/71-6a5af223-9f4d-4080-9357-2b3bae55bd81>

## CFPB Overdraft Fees

### Reuters: U.S. states urge CFPB not to dilute rule that limits bank overdraft fees

By Jonathan Stempel

July 2, 2019

The attorneys general of New York and 23 other states plus Washington, D.C. have urged the Trump administration not to roll back a decade-old federal rule that limits the ability of banks to charge overdraft fees when customers spend more than they have in their accounts.

In a letter to Kathy Kraninger, director of the Consumer Financial Protection Bureau (CFPB), that was made public on Tuesday, the attorneys general, all Democrats, called the rule an "overwhelming success" that should not be watered down or scrapped.

They said the rule has helped customers make informed decisions about whether to sign up for overdraft protection on automated teller machine and debit card purchases, and there was no reason to believe the rule has harmed smaller lenders.

"If the CFPB rolls back this rule, it would put hard-working people in harm's way by allowing banks to charge more overdraft fees, all in the name of corporate greed," New York Attorney General Letitia James said in a statement.

A CFPB spokeswoman said the agency will complete its review by November. The CFPB has moved in a more business-friendly direction under President Donald Trump, a Republican.

Issued by the Federal Reserve Board in 2009, the overdraft rule requires banks and other financial services companies to obtain permission before charging overdraft fees, typically around \$35, that could sock customers with big penalties on even small purchases such as a cup of coffee.

Consumer advocates believe the rule has helped many customers avoid being overburdened by fees. But some banking groups have said regulators should not impede their ability to offer overdraft services that customers want.

Banks collected more than \$11.45 billion in overdraft fees in 2017, according to the Center for Responsible Lending, citing Federal Deposit Insurance Corp data for banks with over \$1 billion of assets.

In a 2013 study, the CFPB found that the rule had materially reduced fees for many heavy overdrafters, but that customers with overdraft protection paid an average seven times more fees than customers who went without it.

The letter from the attorneys general, dated July 1, coincided with the end of a 45-day public comment period on the rule.

The CFPB is conducting its review pursuant to the Regulatory Flexibility Act, a 1980 law requiring federal agencies generally to assess the impact of their regulations on smaller businesses. (Reporting by Jonathan Stempel in New York; Editing by Bill Berkrot)

<https://finance.yahoo.com/news/u-states-urge-cfpb-not-202728464.html>

### Daily Gazette: New York AG opposes changes to federal overdraft rules

By Gazette Staff Report

July 2, 2019

ALBANY — State Attorney General Letitia James said Tuesday she is leading a group of 25 state attorneys general in opposing any relaxation or elimination of the federal Overdraft Rule.

The federal Consumer Financial Protection Bureau is considering changes to the decade-old regulations on how financial institutions can charge customers for spending more money than they have in their account.

James said studies released by the CFPB have shown that median fees can cost as much as 68 percent of median overdrafted transactions — when the median overdrafted transaction was \$50, for example, the median fees charged were \$34.

James said CFPB data show that only about 16 percent of consumers have chosen to affirmatively opt into overdraft services under the Overdraft Rule, which has benefited millions of Americans and led to a significant reduction in the total number and amount of overdraft fees.

"If the CFPB rolls back this rule, it would put hard-working people in harm's way by allowing banks to charge more overdraft fees, all in the name of corporate greed," she said.

<https://dailygazette.com/article/2019/07/01/stefanik-delivers-keynote-address-at-gop-convention>

## Mobile Payments Today: NYS leads 25 state AGs opposing CFPB changes to bank overdraft rules

July 2, 2019

A coalition of 25 state Attorneys General led by New York State AG Leticia James have written a joint letter to the Consumer Financial Protection Bureau, stating their opposition to any rollback or modification of bank overdraft fee rules claiming it will hurt consumers.

The existing rules allow banks to charge overdraft fees for ATM transactions and debit purchases after they have been fully notified of the charges and after they opt in to use the services.

"If the CFPB rolls back this rule, it would put hard working people in harms way by allowing banks to charge more overdraft fees, all in the name of corporate greed," James said in a release from her office. "Consumers across New York deserve the chance to make informed decisions about their finances, so I urge the CFPB to give them the opportunity and create a more efficient and fair marketplace."

The rule, which originally went into effect in 2010, is based on the concern that consumers usually get overdraft services by default, but are not clearly informed of the rules under which they work.

<https://www.mobilepaymentstoday.com/news/nys-leads-25-state-ags-opposing-cfpb-changes-to-bank-overdraft-rules/>

## Debt Collection Scheme

### Big News Network: New York debt collectors banned permanently after swindles

By Lola Evans

July 2, 2019

NEW YORK, New York - The company and individuals behind a New York-based debt collection scheme will be permanently banned from the debt collection industry under a settlement with the Federal Trade Commission and the New York Attorney General, who alleged that the parties bilked consumers out of millions of dollars by brokering and collecting on fake debts that people did not owe.

"We're proud to partner with the New York Attorney General in our efforts to clean up this industry and stop unlawful and abusive practices," Andrew Smith, Director of the FTC's Bureau of Consumer Protection said Monday.

According to the FTC's complaint, Hylan Asset Management, LLC, and its owners, Andrew Shaevel and Jon E. Purizhansky, bought, placed for collection, and sold lists of phantom debts, including debts that were fake or not authorized by consumers.

Hylan referred the fake debts to several collection agencies, including Worldwide Processing Group, LLC, which then illegally collected on them. Hylan continued to buy the portfolios and distribute them to third parties for collection even though it was repeatedly notified that consumers did not owe many of the debts, the FTC alleged.

Worldwide Processing similarly continued its collection efforts after consumers said they had never heard of the lenders and provided records to prove they owed nothing. Worldwide Processing also illegally contacted consumers' friends and family members about the purported debts and failed to make disclosures required by the Fair Debt Collection Practices Act. The complaint also alleged that Hylan purchased much of the debt from Hirsch Mohindra, a defendant in a separate FTC action who was banned from the debt collection business and from selling debt portfolios. Mohindra bought the debt from former payday loan generator Joel Tucker, who was banned from possessing or distributing sensitive consumer information, including consumer debt portfolios.

"Repaying debt is stressful enough without the added worry that collectors are faking bills," said New York Attorney General Letitia James. "Stopping this massive scheme is a win for every New Yorkers who no longer have to fear being swindled out of millions of dollars for phantom debts."

The order against the defendants involved in Hylan Asset Management bans the company and its owners, Shaevel and Purizhansky from debt collection activities, including buying, placing for collection, and selling debt. The order imposes a judgment of \$6.75 million, which is suspended due to inability to pay upon payment of \$676,575.

The order against the defendants involved in Worldwide Processing bans the company and its owner, Frank A. Ungaro, Jr. from engaging in unlawful collection practices. The order imposes a judgment of \$4.94 million, which is suspended due to inability to pay upon payment of \$118,000.

For both settlements, the full judgment will become due immediately if the defendants are found to have misrepresented their financial conditions.

The Commission vote approving the stipulated final order was 5-0. The FTC filed the proposed orders in the U.S. District Court for the Western District of New York.

<https://www.bignewsnetwork.com/news/261603302/new-york-debt-collectors-banned-permanently-after-swindles>

## Megamerger

### Benzinga: Faber: T-Mobile, Dish A Step Closer To Finalizing Divestiture

By Tanzeel Akhtar

July 2, 2019 11:23 AM

Dish Network Corp DISH 1.39% and T-Mobile Us Inc TMUS 0.96% have agreed to a divestiture deal, which brings the two a step closer to gaining government approval of its merger along with Sprint Corp S 3.95%, according to CNBC's David Faber.

In June, New York Attorney General Letitia James and California attorney General Xavier Becerra filed a multi-state lawsuit with eight other state attorneys attempting to block the proposed \$26-billion merger of Sprint and T-Mobile.

According to Faber's latest report, there are still some issues the Department of Justice is actively focused on before it allows a deal.

Dish shares were trading up 1.7% to \$39.55 at time of publication on Tuesday. Sprint shares were trading up 4% to \$6.84, while T-Mobile shares were up 1.13 percent at \$74.99.

<https://www.benzinga.com/m-a/19/07/14018709/faber-t-mobile-dish-a-step-closer-to-finalizing-divestiture>

Urban CNY: [Attorney General James Announces Settlement with Dating App for Failure to Secure Private and Nude Photos](#)

By Urban CNY News

July 2, 2019

New York — New York Attorney General Letitia James today announced a settlement with Online Buddies, Inc. (Online Buddies) for failure to protect private photos of users of its 'Jack'd' dating application (app), and the nude images of approximately 1,900 users in the gay, bisexual, and transgender community. Although the company represented to users that it had security measures in place to safeguard users' information, and that certain photos would be marked "private," the company failed to implement reasonable protections to keep those photos private, and continued to leave security vulnerabilities unfixed for a year after being alerted to the problem.

"This app put users' sensitive information and private photos at risk of exposure and the company didn't do anything about it for a full year just so that they could continue to make a profit," said Attorney General James. "This was an invasion of privacy for thousands of New Yorkers. Today, millions of people across the country — of every gender, race, religion, and sexuality — meet and date online every day, and my office will use every tool at our disposal to protect their privacy."

Jack'd has approximately 7,000 active users in New York and claims to have hundreds of thousands of active users worldwide, and is marketed as a tool to help men in the LGBTQIA+ community meet and form connections, date, and establish other intimate relationships.

The Jack'd app's interface has explicitly and implicitly represented that the private pictures feature can be used to exchange nude images securely and, more importantly, privately. App users are presented with two screens when uploading photos of themselves: one for photos designated as "public" and another for photos designated for "private" viewership.

The app's public photos screen displays a message stating, "[T]ake a selfie. Remember, no nudity allowed." However, when the user navigates to the private photos screen, the message about nudity being prohibited disappears, and the new message focuses on the user's ability to limit who can see private pictures by specifically stating, "Only you can see your private pictures until you unlock them for someone else."

Online Buddies specifically violated the trust of its customers by breaking the app's user privacy policy, which says the company takes "reasonable precautions to protect personal information from...unauthorized access [or] disclosure." This agreement was crucially important with Jack'd users since 2017 customer polls showed that these customers cared most about privacy, partly in response to increased bullying and hate crimes against the LGBTQIA+ community since the 2016 U.S. presidential election.

Privacy and security have proven to be especially important to users in the Black, Asian, and Latinx communities because of the greater perceived risk of anti-gay discrimination within each respective community. A June 2018 study by the University of Chicago surveyed a nationally representative sample of more than 1,750 young adults, aged 18-34, about discrimination, finding that 27-percent of whites reported "a lot" of discrimination against gays in their racial community, compared to 43-percent of Blacks, 53-percent of Asians, and 61-percent of Latinx. Approximately 80-percent of Jack'd users are individuals of color and had reason to fear discrimination from the exposure of their personal information or private photographs.

The investigation by the New York State Attorney General's Office confirmed that Online Buddies failed to secure data — including users' private photos — that the company had stored using Amazon Web Services Simple Storage Service (S3). The investigation also confirmed that senior management of Online Buddies had been told in February 2018 of this vulnerability, and of another vulnerability caused by the failure to secure the app's interfaces to backend data. These vulnerabilities could have exposed certain personally identifiable information for Jack'd users, including location data, device ID, operating system version, last login date, and hashed password. Together, the culmination of these vulnerabilities created a risk of unauthorized access to a user's private photos (which may have included nude images), public photos (which may have included the user's face), and personally identifying information (including their location, device ID, and when they last used the app).

While Online Buddies immediately recognized the seriousness of its vulnerabilities, the company failed to fix the problems for an



entire year, and only after repeated inquiries from the press. During the period that Online Buddies knew about the vulnerabilities but had not yet fixed them, the company also failed to implement any stopgap protections, establish logging to detect any unauthorized access, warn Jack'd users, or change representations about the privacy of their private photos and the security of their personally identifiable information.

Between February 2018 and February 2019, Jack'd had approximately 6,962 active users in New York State, of whom approximately 3,822 had one or more private photos. Given the sensitive nature of private photos, investigators within the New York State Attorney General's Office did not review specific images and thus could not determine exactly what proportion of such photos were nudes. However, after conferring with those familiar with Jack'd and other similar apps, investigators gathered that roughly half — or approximately 1,900 Jack'd users in New York — had private images that could be nude photographs.

As part of the settlement with the New York State Attorney General's Office, Jack'd will pay the state \$240,000, as well implement a comprehensive security program to protect user information and ensure that any future vulnerabilities are addressed promptly.

The case opened in February 2018 and was handled by Assistant Attorney General Noah Stein of the Bureau of Internet & Technology, under the supervision of Bureau Chief Kim A. Berger and Deputy Bureau Chief Clark Russell. The Bureau of Internet and Technology is overseen by Chief Deputy Attorney General for Economic Justice Christopher D'Angelo.

<https://www.urbandcny.com/attorney-general-james-announces-settlement-with-dating-app-for-failure-to-secure-private-and-nude-photos/#>

## Naked Security: Dating app Jack'd fined \$240K for leaving private photos up for a year

By Lisa Vaas

July 2, 2019

A \$240,000 fine has been imposed on Online Buddies, the company behind gay/bi/trans/curious dating app Jack'd — for leaving users' private, often nude, photos up for grabs for a year.

"Only you can see your private pictures until you unlock them for someone else," Jack'd promised, even after a researcher found that that was far from true. In fact, anyone with a web browser who knew where to look could access any Jack'd user's photos, be they private or public — all without authentication or even the need to sign in to the app.

The Office of New York Attorney General Letitia James on Friday announced the settlement, handed down for:

Failure to protect private photos of users of its 'Jack'd' dating application ... and the nude images of approximately 1,900 users in the gay, bisexual, and transgender community.

From the announcement

Although the company represented to users that it had security measures in place to safeguard users' information, and that certain photos would be marked 'private,' the company failed to implement reasonable protections to keep those photos private, and continued to leave security vulnerabilities unfixed for a year after being alerted to the problem.

The Attorney General office's release said that Jack'd — a dating app that claims to have hundreds of thousands of active users worldwide and which markets itself as a tool to help men in the LGBTQIA+ community to hook up and date — "explicitly and implicitly" assures users that its private pictures feature can be used to exchange nude images securely and privately.

The app interface presents users with two screens when they upload selfies: one for photos designated as "public" and another for photos designated as "private." That private page shouldn't be viewable to anyone for whom users haven't granted access.

The app's public photos screen displays a message stating, '[T]ake a selfie. Remember, no nudity allowed.' However, when the user navigates to the private photos screen, the message about nudity being prohibited disappears, and the new message focuses on the user's ability to limit who can see private pictures by specifically stating, 'Only you can see your private pictures until you

unlock them for someone else.’

In February 2019, researcher Oliver Hough finally went public after having told Online Buddies about the security bug a year prior.

Not only could anybody get at users’ photos, but the Jack’d app also neglected to have any limits in place: anyone could have downloaded the entire image database for whatever mischief they wanted to get into, be it blackmail or outing somebody in a country where homosexuality is illegal and/or leads to harassment.

Given the sensitive nature of the photos that were exposed, publications including the Register chose to publish Hough’s findings – without giving out many details – rather than leave users’ content in danger while waiting for the Jack’d team to respond.

Photos were exposed for a year

The New York State Attorney General’s Office conducted an investigation that confirmed that senior management had been told about the vulnerability – in fact, two vulnerabilities – back in February 2018.

Its investigation found that Online Buddies had failed to secure user data, including intimate photos, that it stored using Amazon Web Services Simple Storage Service (S3). Management had also been told about a second vulnerability that was caused by the failure to secure the app’s interfaces to backend data.

The vulnerabilities could have exposed users’ personally identifiable information (PII), including location data, device ID, operating system version, last login date, and hashed password. Combined, they also left the door open to attackers getting at private photos, public photos (that may have included the user’s face), and other PII, including their location, device ID, and when they last used the app.

James’s office said that the company knew how serious these vulnerabilities were, but that it was only after the press came knocking on its door that the it acknowledged them. Jack’d fixed the problem the same day – 7 February 2019 – that Ars Technica reported about it.

It’s not just Jack’d

Unfortunately, spilling highly personal data is more or less par for the course with mobile apps, including the often extremely sensitive personal data collected by, and shared via, dating apps.

Besides Jack’d, Grindr is an example: as of September 2018, the premium gay dating app was still exposing the precise location of its more than 3.6 million active users, in addition to their body types, sexual preferences, relationship status, and HIV status, after five years of controversy over the app’s oversharing.

Another frightening example is that of Hzone, the dating site for HIV-positive people that was leaking sensitive user data in 2015.

Hzone showed the same lack of response after being notified that Online Buddies did: For days after being told about its leak, sensitive data was still vulnerable, including users’ date of birth, religion, relationship status, country, email address, ethnicity, height, last login IP address, username, orientation, number of children, password hash, nicknames, political views and sexual life experiences, profile photos, and messages that often contained sensitive data about their diagnosis.

User beware

You always have to be careful about what sensitive data you share. You always need to bear in mind that data gets spilled. The type of data spilled by dating apps is of a particularly sensitive nature, though, which makes it all the more concerning when those who promise to protect it and keep it secure do nothing of the sort.

User, beware. While any app or online service can have a leak or breach, a failure to timely respond to notification, plus a failure to put in safeguards after learning of that data breach, are a very bad sign.

<https://nakedsecurity.sophos.com/2019/07/02/dating-app-jackd-fined-240k-for-leaving-private-photos-up-for-a-year/>

### Health Affairs: Provider Conscience Rule Delayed Due To Lawsuits

By Katie Keith

July 2, 2019

In early May, the Office for Civil Rights (OCR) within the Department of Health and Human Services finalized a new rule to expand and consolidate its enforcement authority over 25 federal health care conscience laws. The rule was scheduled to go into effect on July 22, 2019 but was immediately challenged by the city and county of San Francisco. Other lawsuits soon followed, and I am aware of at least six lawsuits challenging the rule.

After a flurry of activity last week, the Department of Justice (DOJ), on behalf of OCR, and the plaintiffs reached an agreement to postpone the rule's effective date by four months—to November 22, 2019. This will allow the parties more time to spar in court over whether the rule should be set aside.

#### Brief Background

The history of this rule dates, in part, back to December 2008. In the waning days of the Bush administration, OCR finalized a more limited health care conscience regulation on three federal provider conscience laws. The controversial rule was relatively short-lived: OCR issued a new proposed rule in March 2009 and ultimately rescinded much of the 2008 rule in February 2011.

In January 2018, OCR released a proposed rule to reverse and dramatically expand the 2011 rule by including additional federal laws under OCR's purview and adopting more requirements for covered entities. OCR received more than 242,000 comments on the proposed rule. Although the final rule was released by OCR in early May, it was not published in the Federal Register until May 21. The rule was to go into effect in 60 days, meaning it had an effective date of July 22.

Generally speaking, the rule allowed OCR to consolidate its authority over a wide range of federal conscience protections. These laws include the Church Amendments, the Coats-Snowe Amendment, the Weldon Amendment, three sections of the Affordable Care Act (ACA), the Helms Amendment, and a variety of other existing federal conscience provisions. OCR also expanded and newly defined many key terms—such as “discrimination,” “health care entity,” and “referral”—in a way that broadened the scope of its enforcement authority. The rule allowed OCR to use its full investigative and enforcement tools to enforce and redress conscience violations. This includes terminating federal funds, withholding federal payments, withholding new federal funds, and suspending award activities, which means that federal dollars are at risk for many covered entities.

Critics raised concerns that the rule elevates protections for health care workers who refuse to provide health services for religious or moral reasons by, for instance, allowing a pharmacist to refuse to fill a prescription for birth control or a mental health provider to refuse to see a patient who is transgender or in a same-sex relationship. Concerns were particularly raised about the rule's impact on access to care for women, religious minorities, sex trafficking victims, and lesbian, gay, bisexual, and transgender (LGBT) people. Commenters also raised questions about how the new rule would interact, or conflict, with other federal laws (such as the Emergency Medical Treatment and Active Labor Act (EMTALA) and Section 1557 of the ACA).

Once the rule is in effect, OCR is expected to take advantage of its new authority and enforcement tools. Beyond the final rule, OCR has restructured the Office to further focus on religious exemption and conscience laws. In 2018, OCR Director Roger Severino created a new Conscience and Religious Freedom Division. OCR requested more funding for this Division while proposing budget cuts for broader civil rights enforcement and overhauled its mission and vision statements to emphasize its role in protecting “conscience and free exercise of religion.”

#### The Lawsuits

As noted above, I am aware of at least six lawsuits challenging the new provider conscience rule. Three of the lawsuits—one led by New York Attorney General Letitia James, one led by the National Family Planning and Reproductive Health Association, and one led by Planned Parenthood—were filed in federal district court in the Southern District of New York. The other three suits—one filed by San Francisco, one led by Santa Clara County, and one filed by California Attorney General Xavier Becerra—were filed in federal district court in the Northern District of California.

San Francisco filed its lawsuit almost immediately after the rule was released; New York and California's challenges were filed on May 21, the day the rule was published in the Federal Register. The other suits were filed shortly after that.

The lawsuits generally ask that the rule be declared unlawful and invalid, that it be enjoined, and that its effective date be stayed. An injunction would prevent OCR from enforcing or otherwise implementing the rule. The plaintiffs' arguments differ somewhat based on the type of plaintiff (a government entity such as a state, city, or county versus a nonprofit advocacy organization). But, generally speaking, the plaintiffs assert that the rule is unconstitutional under the Spending Clause and the First and Fifth Amendments as well as unlawful under the Administrative Procedure Act (APA).

## Constitutional Claims

The plaintiffs assert that the rule violates the Establishment Clause of the First Amendment by creating expansive religious exemptions for health care employees at the expense of third parties. The rule essentially compels employers to change their business practices to conform to their employees' religious practices even at the expense of the business, other employees, or patients.

Second, according to the plaintiffs, the rule violates the Spending Clause. Among OCR's enforcement tools under the new rule, the Office could withhold or terminate federal funding or claw back federal funds if entities fail to comply with the final rule. The plaintiffs assert that the rule is coercive, vague, and ambiguous. The rule fails to provide adequate notice to federally funded entities of what conduct would result in the loss of funds. They also argue that OCR cannot impose "post-acceptance" or "after-the-fact" conditions on federal funds and that the rule is not rationally related to the federal government's interest in these federally funded programs.

The plaintiffs also argue that the rule violates the spending power. The spending power is vested in Congress rather than the executive branch. Here, the plaintiffs argue that OCR's new conditions on federal funds violate the separation of powers doctrine. Only Congress can attach conditions to federal funds, and OCR is usurping Congress's authority under the spending power.

## APA Claims

The plaintiffs generally assert that the rule violates the APA because it is arbitrary and capricious, an abuse of discretion, not in accordance with law, and exceeds OCR's statutory authority. The plaintiffs raise both procedural and substantive issues with the rule. Procedurally, OCR failed to consider and adequately respond to concerns about the rule's potential harm to patients and made no attempt to account for the rule's practical effects on the health care system. OCR relied on a flawed cost-benefit analysis, and its justification for the rule runs counter to key facts and evidence while relying on factors Congress did not intend for OCR to consider. The final rule also included new subsections of the definition of "discrimination" that were not included in the proposed rule and for which no comments were solicited.

The rule's definitions of terms such as "discrimination," "health care entity," and "referral" are confusing, vague, and arbitrary. These broad definitions leave plaintiffs guessing whether routine procedures or services would require additional steps to accommodate workers or patients. The rule also exceeds OCR's authority under the various federal conscience laws. The definitions themselves are inconsistent with the federal laws they reportedly implement. In addition, the rule's broad enforcement scheme—where OCR has the authority to withhold, deny, or terminate federal health care funds due to noncompliance—is not what Congress authorized or intended under federal law.

Finally, the plaintiffs assert, OCR failed to reconcile the rule with other federal laws. Many plaintiffs asserted that the rule conflicts with at least three federal laws, including EMTALA, Title VII of the Civil Rights Act, and Section 1554 of the ACA (which prohibits the Secretary of Health and Human Services from creating unreasonable barriers to medical care and impeding timely access to health care services, among other requirements). Some plaintiffs also highlighted conflicts with current Medicare and Medicaid statutes and Title X. And many of the non-governmental plaintiffs assert that the rule violates equal protection rights, the right to privacy and personal autonomy, and speech and expression rights.

## The Delay in the Rule

The effective date of the final rule is officially delayed by four months—until November 22, 2019. This delay is designed to give the parties and the court time to consider a preliminary injunction and potentially resolve the case on the merits. A new briefing schedule has already been set in California; in New York, the parties have until July 10 to propose a briefing schedule. The rest of

this post explains how the enforcement delay came about.

## New York

As noted above, New York—leading a coalition of 23 states, cities, and municipalities—filed its lawsuit on May 21. The case was assigned to Judge Paul A. Engelmayer who, in light of the rule’s July 22 effective date, initially set a hearing for July 12. The two other cases filed in the Southern District of New York—led by Planned Parenthood and the National Family Planning and Reproductive Health Association—were both filed on June 11. The three cases were consolidated on June 26 before Judge Engelmayer.

Two days before its response was due on the plaintiffs’ request for a preliminary injunction, the DOJ asked for an extension of time, to proceed on the merits, and for an alternate briefing schedule. As part of this request, the DOJ noted “a commitment not to enforce” the final rule until November 22, 2019 “at the earliest.” This, the DOJ asserted, would give the court sufficient time to resolve the legal challenges to the final rule without risking potential harm to the plaintiffs. The plaintiffs opposed this proposal.

On June 27, Judge Engelmayer denied the DOJ’s request. The briefing schedule would remain in effect until the government provided conclusive evidence that the rule’s effective date was officially postponed or consented to a court order that would enjoin OCR from taking any action. This meant that the DOJ’s filing was due the next day, on June 28. The DOJ then asked for an additional extension to July 1, which was also denied. Judge Engelmayer did suggest, however, that he would be willing to set a new briefing schedule if OCR officially postponed the rule’s effective date to November 22.

In response, the DOJ and plaintiffs agreed to formally postpone the effective date to November 22. On the parties’ request, Judge Engelmayer formalized this in an order issued on July 1. He also directed the parties to submit a joint letter on July 10 laying out a suggested briefing schedule and indicating whether the parties can agree on a proposed schedule to address the case on the merits.

The Christian Medical and Dental Association asked to intervene in the multi-state litigation. Although Judge Engelmayer delayed a ruling on this request, he will permit the Association to file an amicus brief on the request for a preliminary injunction.

## California

The litigation in California followed a similar pattern. As noted above, San Francisco filed its lawsuit immediately after the final rule was issued—on May 2. The case was assigned to Judge William Alsup in the Northern District of California. The Attorney General of California filed his action on May 21 and Santa Clara County, joined by LGBT service providers and physicians, filed on May 28. On June 13, the three cases were “related” to each other and reassigned to Judge Alsup, who set an initial briefing schedule with a hearing on July 17.

On June 28, the DOJ made a similar request to Judge Alsup to delay enforcement of the rule and extend the briefing schedule. The court granted this request on June 29 and, on July 1, issued a new briefing schedule. Briefs will be due between August 21 to October 10, and there will be a hearing on October 30.

<https://www.healthaffairs.org/doi/10.1377/hblog20190702.497856/full/>

## Diversity & Inclusion Office

Urban CNY: Attorney General James Announces Creation of Diversity and Inclusion Office

By Urban CNY News

July 2, 2019

Sandra Grannum Appointed Head of Newly-Created Office

New York – Attorney General Letitia James today announced the creation of the first ever Diversity and Inclusion Office in the New York State Office of the Attorney General. Sandra Grannum has been appointed as the agency’s first Diversity and Inclusion Officer,   
FOIL G000636-091119 000453

and will lead the way to ensure that the agency better reflects the diversity of New York State.

“New York’s vitality is in its rich diversity,” said Attorney General Letitia James. “My office is deeply committed to creating an environment of acceptance and open-mindedness, both internally and throughout the state. The creation of the Diversity and Inclusion Office is an essential step towards that goal, and I am confident that Sandra Grannum will foster a diverse and inclusive workplace that truly represents the people we serve.”

“Diversity, equity, and inclusion have been the clarion call of Attorney General James throughout her career, and the urgency to heed that call is now greater than ever,” said Sandra Grannum, Esq., Diversity and Inclusion Officer, New York State Office of the Attorney General. “As she leads that effort from this office, I am honored and excited to be a part of the work that will impact the lives of so many New Yorkers.”

Grannum has been with the Attorney General’s Office for nearly 17 years. She has served as the Director of Legal Recruitment since 2007, overseeing the recruitment and hiring of all attorneys and managerial staff. In this role, she has expanded the Agency’s diversity efforts in recruitment, as well as developed and oversaw the Attorney General’s summer internship program. Additionally, Grannum launched a series of diversity programs for the office, which included hosting speakers and events highlighting Black History, PRIDE, Asian Pacific History, Hispanic History, and Women’s History Month. She previously served as Acting Bureau Chief and Deputy Bureau Chief of the Health Care Bureau.

Before her time with the Office of the Attorney General, Grannum had substantial experience in both the public and private sectors, including serving as the Vice President of Corporate Legal Affairs at Avanti Corporate Health Systems and as the senior law clerk for the Honorable George Bundy Smith at the New York State Court of Appeals.

Grannum is a graduate of Georgetown University Law Center.

<https://www.urbancny.com/attorney-general-james-announces-creation-of-diversity-and-inclusion-office/#>

## Queens Daily Eagle: AG James creates first-ever Diversity and Inclusion Office

By Jonathan Sperling

July 2, 2019

State Attorney General Letitia James announced the creation of the first-ever Diversity and Inclusion Office in the Office of the Attorney General on June 27, paving the way for the statewide office to better reflect New York’s residents.

“New York’s vitality is in its rich diversity,” James said in a statement. “My office is deeply committed to creating an environment of acceptance and open-mindedness, both internally and throughout the state.

Attorney Sandra Grannum, a 17-year veteran of the state Attorney General’s Office and a Georgetown University Law Center graduate, will lead the new office, effective immediately. As the director of legal recruitment, Grannum has overseen the recruitment and hiring of all attorneys and managerial staff, while simultaneously expanding the diversity in regard to the agency’s recruitment efforts.

Grannum also launched an array of diversity programs at the office, including inviting speakers and hosting events to recognize Black History, PRIDE, Asian Pacific History, Hispanic History and Women’s History Month.

Before her time with the Office of the Attorney General, Grannum worked as the vice president of corporate legal affairs at Avanti Corporate Health Systems and as the senior law clerk for the Hon. George Bundy Smith at the New York State Court of Appeals. Smith was a former Freedom Rider who was arrested at an Alabama bus station in 1961.

“Diversity, equity, and inclusion have been the clarion call of Attorney General James throughout her career, and the urgency to heed that call is now greater than ever,” Grannum said in a statement following her appointment.

“As she leads that effort from this office, I am honored and excited to be a part of the work that will impact the lives of so many

New Yorkers.”

<https://queenseagle.com/all/ag-james-creates-first-ever-diversity-and-inclusion-office>

## Above The Law: [Celebrating Champions Of Diversity And Inclusion In The Legal Profession](#)

By David Lat

July 2, 2019 4:16 PM

When it comes to diversity and inclusion in the legal profession, there’s good news and bad news. The bad news is that there’s [still so much work to be done](#). The good news is that the profession is now focused on that work — and leaders of the bar are willing to take it on.

Last Wednesday, I had the pleasure of attending the [Diversity and Inclusion Celebration Dinner](#) of the Association of the Bar of the City of New York, where the organization bestowed its Diversity and Inclusion Champion Award upon two such leaders: [Juan Arteaga](#), a partner at Crowell & Moring, and [Lisa Linsky](#), a partner at McDermott Will & Emery (and, full disclosure, a longtime friend of mine). It was a beautiful and inspiring event — and it also served as a fundraiser for the [City Bar Fund](#), the nonprofit arm of the organization that supports the legal profession in advancing social justice (including, but not limited to, diversity efforts).

After welcoming remarks by [Deborah Martin Owens](#), Executive Director of Diversity and Inclusion at the City Bar, and [Roger Juan Maldonado](#), President of the City Bar, the organization paid tribute to Justice [Rosalyn Richter](#) of the Appellate Division of the New York Supreme Court, First Department. Two members of the Committee to Enhance Diversity in the Profession, [Kathy Hirata Chin](#) of Crowell & Moring and [Matthew Morningstar](#) of Morgan Stanley, praised Justice Richter, outgoing co-chair of the Committee, for her tireless efforts to advance diversity in the profession. They noted that the past year has been a difficult one for Justice Richter — in September, she lost her wife, LGBTQ activist [Janet Weinberg](#) — but Justice Richter continued to work hard for the causes she cares about, including LGBTQ rights, diversifying the judiciary, and educating young people about law and the legal system.

Amid a standing ovation, Justice Richter took the stage. When she reached the podium, she joked about how long it took to make it up there in her walker — and thanked the City Bar for having a ramp leading up to the stage, without her even having to ask for it.

“I have the privilege of being an appellate judge, and so I now have the privilege of asking for things I was too scared to ask for as a young lawyer,” Justice Richter said. “We as a legal community need to stop having inaccessible events.”

esentations about the City Bar’s various [pipeline programs](#) devoted to advancing diversity, the 2019 Diversity and Inclusion Champion Award was presented to — and enthusiastically accepted by — Juan Arteaga and Lisa Linsky. Both delivered heartfelt and eloquent remarks focused on different aspects of diversity and inclusion.

Arteaga focused on immigration. He has done extensive pro bono work in the field, representing immigrants, including battered women and their children, in immigration and deportation proceedings. He told the story of one such case.

In 2017, he was asked to help a family of undocumented immigrants from Colombia who are now living in the United States. The oldest son applied for the Deferred Action for Childhood Arrivals (DACA) program, while the family pursued asylum claims.

The son received notification that he needed to be fingerprinted as part of the DACA application process — and he was terrified, afraid that the fingerprinting could result in him being taken into custody and deported. After much discussion and deliberation with his family, the son decided to go in for the fingerprinting. Arteaga accompanied him on that day.

On the day of the appointment, the son hugged his father in a parking lot a few blocks away from the fingerprinting site (because his father was not joining his son for that appointment, and understandably so). The son was shaking with fear as he hugged his father and told him how much he loved him. Neither father nor son was certain that the son wouldn’t be taken into custody for eventual deportation when he went in for the fingerprinting.

In the end, the son, accompanied by Juan Arteaga, had his fingerprints taken without incident. But the more Arteaga reflected on



the episode, the more sad and angry he became. Immigrants shouldn't have to live in such fear — and they shouldn't have to endure the deplorable conditions and treatment at the border that have dominated the headlines as of late.

When it comes to immigration, Arteaga said, "We need to advocate for the values and principles that brought us here this evening. Our resolution of the immigration debate will determine the kind of nation we become."

In her acceptance speech, Lisa Linsky focused on LGBTQ rights — appropriately enough, given that the dinner took place just a few days before the 50th anniversary of the [Stonewall riots](#) and the [WorldPride celebration](#) in New York. She talked about her work at McDermott as the first partner-in-charge of Firmwide Diversity and partner-in-charge of LGBT Diversity and Inclusion — which she viewed as of a piece with the work she did in the Westchester County District Attorney's Office, as a prosecutor focused on sex crimes and child abuse. The common thread: advocating for people whose voices were not being heard.

Linsky did point out the progress made on LGBTQ equality in recent years. She noted that the dinner was taking place on a momentous date: June 26, the anniversary of both *United States v. Windsor* (2013), in which the Supreme Court struck down the Defense of Marriage Act, and *Obergefell v. Hodges* (2015), in which the Court ruled in favor of nationwide marriage equality.

But she also urged everyone not to become complacent. Just as electing an African-American president didn't mark the end of racism, the advent of marriage equality didn't mark the end of discrimination against the LGBTQ community. Instead, Linsky said, "We must continue naming — and resisting — the ways in which people continue to be excluded and oppressed."

The evening concluded with remarks from [Letitia "Tish" James](#), the 67th Attorney General of the State of New York, as well as the first African-American and first woman to be elected to the position. She began by invoking the now-infamous AP [photograph](#) of two migrants, a father and his young daughter, who drowned in the Rio Grande while trying to enter the United States.

"Caging individuals and separating families is not an immigration policy," she said. "It is man's inhumanity to man."

James then turned to the Census case, [Department of Commerce v. New York](#) — which her office litigated, and which the Supreme Court was going to rule on the next day.

"Let's hope the justices get it right," she said. "Let's hope they recognize the proposition that in this country, everyone should be counted."

<https://abovethelaw.com/2019/07/celebrating-champions-of-diversity-and-inclusion-in-the-legal-profession/>

## Manhattan Times: AG creates diversity and inclusion office

By Postmaster

July 2, 2019

Attorney General Letitia James has announced the creation of the first-ever Diversity and Inclusion Office within the State Office of the Attorney General.

Sandra Grannum, who has been with the office for 17 years, has been appointed as the agency's first Diversity and Inclusion Officer.

"New York's vitality is in its rich diversity," said Attorney General Letitia James. "My office is deeply committed to creating an environment of acceptance and open-mindedness, both internally and throughout the state. The creation of the Diversity and Inclusion Office is an essential step towards that goal, and I am confident that Sandra Grannum will foster a diverse and inclusive workplace that truly represents the people we serve."

Within the Attorney General's Office, Grannum has served as the Director of Legal Recruitment since 2007, overseeing the recruitment and hiring of all attorneys and managerial staff. In this role, she has expanded the agency's diversity efforts in recruitment. Additionally, Grannum launched a series of diversity programs for the office, which included hosting speakers and events highlighting Black History, PRIDE, Asian Pacific History, Hispanic History, and Women's History Month. She previously served

as Acting Bureau Chief and Deputy Bureau Chief of the Health Care Bureau.

Before her time with the Office of the Attorney General, Grannum served in both the public and private sectors, including as the Vice President of Corporate Legal Affairs at Avanti Corporate Health Systems and as the senior law clerk for the Honorable George Bundy Smith at the New York State Court of Appeals.

"I am honored and excited to be a part of the work that will impact the lives of so many New Yorkers," said Grannum.

<https://www.manhattantimesnews.com/ag-creates-diversity-and-inclusion-officefiscal-general-crea-oficina-de-diversidad-e-inclusion/>

LexisNexis

Law360: States Reach \$6M Deal With LexisNexis Over Withheld Fees

By Carolina Bolado

July 2, 2019 7:49 PM

LexisNexis Risk Solutions Inc. agreed on Tuesday to pay \$5.8 million to resolve a suit in Florida federal court brought by various states and a city alleging that the data and analytics company wrongfully withheld fees from law enforcement agencies when reselling their automobile crash reports.

Under the terms of the settlement with New Jersey, New York, Illinois, Massachusetts, Tennessee and the city of Baltimore, the company and two affiliates will pay the withheld fees and discontinue the resale practice that stiffed local law enforcement agencies of fees owed under contracts with LexisNexis.

"LexisNexis failed to live up to the terms of its agreements and defrauded New York state agencies out of nearly a million dollars," New York Attorney General Letitia James said in a statement. "My office will continue to fight every day to guarantee businesses that partner with our state live up to their agreements and to ensure New York gets every penny it's owed."

The law enforcement agencies had contracts with LexisNexis to sell reports of automobile crashes to the company, which then resells them to individuals and to insurance companies for use in claims adjustment, according to the New York attorney general.

But the states said LexisNexis paid only for the first crash report sold and not for each other report resold as required by their contracts. An investigation determined that between June 2012 and May 2019, LexisNexis fulfilled requests for crash reports by searching its database and reselling the reports without paying the law enforcement agencies a fee for the sales, according to the New York attorney general.

The states say LexisNexis generated monthly reports for the agencies that understated total crash report sales.

The multistate investigation was prompted by a whistleblowing former LexisNexis employee who filed suit in the Southern District of Florida in 2018. The suit was filed under seal. The states filed a notice of intention to intervene in the case on Tuesday to notify the court that the parties had reached an agreement.

LexisNexis said in a statement that the company had a disagreement over the meaning of the language in the contracts with law enforcement agencies with regard to the crash reports.

"Although we disagreed with the interpretation of the contracts by the jurisdictions, ultimately we decided that rather than litigate, we would settle our disagreement in a way that benefited our law enforcement partners," the company said.

LexisNexis said this was not a case about fraud by any of its affiliates and that the deal includes no admission of wrongdoing or liability on the part of the company.

New Jersey is represented by Gurbir S. Grewal, Zachary N. Klein and Janine N. Matton of the Office of the Attorney General for the  
FOIL G000636-091119 000457

State of New Jersey.

Massachusetts is represented by Erin K. Staab and Jeffrey Walker of the Office of the Attorney General of the Commonwealth of Massachusetts.

Illinois is represented by Christopher Kim and Darren Kinhead of the Illinois Office of the Attorney General.

New York is represented by Laura Jereski of the Office of the Attorney General of the State of New York.

Baltimore is represented by Suzanne Sangree and Elizabeth Ryan Martinez of the Baltimore City Department of Law.

Tennessee is represented by Andrew B. Campbell of the Office of the Attorney General and Reporter for the State of Tennessee.

The relator is represented by Richard Celler of Richard Celler Legal PS, Ryon McCabe of McCabe Rubin PA, Philip Freidin of Freidin Brown PA and Lance A. Harke of Harke Law LLP.

LexisNexis is represented by Troutman Sanders LLP.

The case is U.S. v. LexisNexis Risk Solutions Inc. et al., case number 1:18-cv-20211, in the U.S. District Court for the Southern District of Florida.

<https://www.law360.com/newyork/articles/1175207/states-reach-6m-deal-with-lexisnexis-over-withheld-fees>

## Other

NY Times: N.R.A. Donor Directs a Revolt Against a 'Radioactive' Leader

By Danny Hakim

July 2, 2019

NASHVILLE — Even as the National Rifle Association has been consumed by relentless and increasingly public infighting, Wayne LaPierre has maintained a firm grip on its leadership.

Now one of the gun group's major benefactors says he is preparing to lead an insurgency among wealthy contributors to oust Mr. LaPierre as chief executive, along with his senior leadership team. Such a rebellion would represent a troublesome new threat to Mr. LaPierre, as his organization's finances and vaunted political machine are being strained amid a host of legal battles, most notably the New York attorney general's investigation into its tax-exempt status.

David Dell'Aquila, the restive donor, said the N.R.A.'s internal warfare "has become a daily soap opera and it's decaying and destroying the N.R.A. from within, and it needs to stop." He added, "Even if these allegations regarding Mr. LaPierre and his leadership are false, he has become radioactive and must step down."

Until that happens, Mr. Dell'Aquila, a retired technology consultant who has given roughly \$100,000 to the N.R.A. in cash and gifts, said he would suspend donations — including his pledge of the bulk of an estate worth several million dollars.

Every Friday, get an exclusive look at how one of the week's biggest news stories on "The Daily" podcast came together.

He said he was among a network of wealthy N.R.A. donors who would cumulatively withhold more than \$134 million in pledges, much of it earmarked years in advance through estate planning, and would soon give the gun group's board a list of demands for reform.

That dollar figure could not be verified, however, and Mr. Dell'Aquila declined to provide a list of the other donors, who he said were not ready to go public. But a second prominent donor, who spoke on the condition of anonymity because he is a senior firearms industry executive, said he was also suspending a plan to give more than \$2 million from his estate, as well as halting other donations, and was backing Mr. Dell'Aquila's effort.

“The donors are rebelling,” the executive said, adding that he believed that the leadership turmoil was “helping to destroy, temporarily, the strength of the N.R.A. as one of the strongest lobbying groups.”

The extent of any rebellion is difficult to discern, and the N.R.A. insisted it still had the firm backing of its donor base. Mr. LaPierre has also retained the support of the N.R.A.’s 76-member board, with fewer than a handful of public defections, and it would take a two-thirds vote to oust him. But there have been signs of wavering grass-roots support, including a recent announcement by Greg Kinman, a gun enthusiast with more than four million followers on YouTube, that he was cutting ties with the N.R.A.

The turmoil of recent months has already stoked fear among some Republicans that the N.R.A.’s political potency could be blunted heading into the 2020 elections. In a tweet early Tuesday morning, President Trump assailed the investigation by the New York attorney general, Letitia James, saying the N.R.A. was “a victim of harassment by the A.G.”

Carolyn Meadows, the N.R.A.’s president, said in a statement that “we are disappointed whenever donors choose to suspend their support of the N.R.A., but we hope to win them back.” She added: “People may resist change, but they embrace progress. We’re experiencing that right now at the N.R.A. There’s an energy within the N.R.A. that is hard to describe — and we continue to earn the support of millions of loyal members.”

The group also provided statements from two of its largest donors, who are among those still backing Mr. LaPierre.

“We are sticking by the N.R.A.,” said Dr. John Thodos, an orthodontist who lives in Florida. “They are the No. 1 fighter for freedom.” John and Barbara Rumpel, Florida-based donors who have put their real estate in a trust to benefit the N.R.A., said they “support what Wayne and his team are doing.” They added, “Getting through this New York issue is the top priority for the N.R.A., and they’re working like heck to fight these malicious attacks.”

The support of donors and the enthusiasm among N.R.A. members will be a crucial test for Mr. LaPierre, who has led the organization for more than two decades. Last month, Mr. LaPierre ousted his second-in-command, Christopher W. Cox, who led the gun group’s lobbying arm; in April, the N.R.A.’s president, Oliver North, abruptly stepped down. Both men have been implicated by the N.R.A. in a plot to force Mr. LaPierre out, though Mr. Cox has denied the allegations. Mr. North has said the N.R.A. needs to review its financial practices; N.R.A. officials have said the split with Mr. North was largely a dispute over money.

Both Mr. Dell’Aquila and the second donor want Mr. Cox to return to the N.R.A. and become its chief executive.

“He brings continuity and stability,” Mr. Dell’Aquila said, adding that Mr. Cox had emerged from the recent wave of scandals with cleaner hands than Mr. LaPierre. “We can get consensus with Chris replacing Wayne.”

Mr. Dell’Aquila said he had not spoken to Mr. Cox about the matter and had not seen him since a fund-raiser last year.

The N.R.A. is moving on from Mr. Cox and is expected to announce Tuesday that Jason Ouimet, a deputy at its lobbying arm, will assume Mr. Cox’s former post, according to a person with knowledge of the appointment.

The N.R.A. has been burdened by high structural costs and escalating legal bills as it copes with the New York investigation and a bitter legal fight with its former advertising firm, Ackerman McQueen. The N.R.A.’s member dues fell in 2017 to their lowest level in a half-decade, as concerns about gun control ebbed after Mr. Trump’s election, but they rebounded last year, increasing by a third, to \$170 million, while contributions grew by 24 percent to \$165 million.

Even so, the N.R.A.’s net assets fell sharply last year and the organization was forced to freeze its pension fund. It also took more than \$30 million out of its charitable foundation in 2017; it recently increased a line of credit, backed by the deed to its headquarters, to \$28 million; and it borrowed against life insurance policies taken out on top executives.

An avid hunter, Mr. Dell’Aquila, 58, was interviewed at his house in Nashville, sitting in front of a large stuffed black bear. He played offensive lineman for a year at Princeton before injuries ended his football career, and he once was featured in The Baltimore Sun for eating two 48-ounce steaks in one sitting at a Shula’s Steak House. He’s been a member of the N.R.A. for about two decades, and considers himself a true believer. (“It’s our Second Amendment, it comes after our First Amendment, it’s what allows us to be a free country,” he said.)

Mr. Dell'Aquila was listed in an N.R.A. publication as having pledged more than \$1 million, making him one of a small number of contributors at that level; he belongs to the Charlton Heston Ambassadors, a group for those who make large pledges of support, named for the actor and former N.R.A. president.

In a series of interviews and emails, Mr. Dell'Aquila cited numerous concerns. He was troubled that a former N.R.A. president, David Keene, had been caught up in an investigation over his ties to Maria Butina, the Russian who pleaded guilty to conspiring to act as a foreign agent. He was disturbed after The New York Times reported this year that Tyler Schropp, a senior N.R.A. executive, had an interest in an outside company that had received \$18 million from the N.R.A. He was also dismayed by a recent New Yorker story tying the N.R.A.'s former longtime chief financial officer to allegations of embezzlement at a previous job.

"I don't know if these stories are true or not true," he said. "My No. 1 concern, frankly only concern, is that our Second Amendment rights are preserved and the optics of negativity that are directly harming the N.R.A. institution ceases."

Mr. Dell'Aquila said he had approached high-ranking N.R.A. officials to express his dissatisfaction as recently as April, when the N.R.A. held its annual convention in Indianapolis, but was not satisfied by their responses. And he said the board had recently been removing critics of Mr. LaPierre from key oversight committees.

"I decided the best way to be effective is to start a grass-roots effort to demand from the N.R.A. leadership accountability as well as transparency," he said.

His demands include the resignation of Mr. LaPierre and his senior leadership in time to put in a new team for the 2020 elections. In addition to Mr. Cox's return, he wants Allen West, an N.R.A. board member and former Tea Party congressman opposed to Mr. LaPierre, installed as the group's president. (Some of Mr. Dell'Aquila's demands echo those of Mr. West and others.)

He would also shrink the board to 30 members from 76; stop paying consulting fees to board members; dismiss the N.R.A.'s accounting firm, RSM; remove past presidents from the board; and cut costs by holding meetings in central locations. He lamented that an upcoming board meeting was to be held in Alaska: "What are the optics of that?" he said. "It's negative. It's self-inflicted." He adding that the N.R.A. could find board members who "would do this for free, and it keeps us clean in the liberal papers."

Mr. Dell'Aquila said he had come to his decision reluctantly, and had always been treated graciously by Mr. LaPierre and his wife, Susan.

"I'm not pro-Mr. LaPierre, and I'm not anti-Mr. LaPierre, I'm just simply being objective and trying to save a historic institution from itself," he said. "Right or wrong, the buck stops with Mr. LaPierre, because this occurred underneath his leadership, and he's ultimately accountable."

<https://www.nytimes.com/2019/07/02/us/nra-donors-wayne-lapierre.html>

## AM New York: New York tenants worry new blacklist ban won't be enforced

By Sarina Trangle

July 2, 2019 8:45 AM

One after another, apartments in Jane Burbank's sights suddenly became unavailable.

At one potential rental, she was told a more financially qualified applicant had emerged shortly after her lease signing seemed imminent, she said.

At the next apartment, signing a formal agreement was a day away when the 69-year-old psychoanalyst said a background check showed she was in housing court a few years ago. That arrangement fell through, too.

Burbank told an unrelated broker the legal description was inaccurate, and though she said he understood, the broker indicated the landlord would never rent to her. Other potential offers simply disappeared.

"I was going to be homeless at the end of July," said Burbank, who noted she began apartment hunting in March and located her first potential apartment at the end of June. "We went to see so many things, even things I wasn't interested in ... they think you're a troublemaker, and they don't want to rent to you."

As part of [a rent law overhaul](#), the State Legislature banned the use of so-called tenant blacklists, databases listing Burbank and anyone else named in a housing court action — even in cases that tenants win — over the past seven years, according to lawyers who represent residents.

The measure, which was signed into law by Gov. Andrew M. Cuomo, prohibits landlords from refusing to rent or offer leases to such tenants because of their current or past involvement in housing court matters.

But tenant advocates and attorneys worry that the new prohibition may not be well enforced because only the attorney general can bring cases against landlords that do not follow the rule.

"I worry," said Carolyn Coffey, director of litigation for economic justice at Mobilization for Justice, which represents low-income New Yorkers. "There might be a false sense that this prohibition means that people are in the clear."

The Democratic majorities in the State Senate and Assembly did not respond to requests for comment.

Issues with the list go beyond their existence and extend to their accuracy and exhaustiveness. Avoiding getting into the databases is often easier than getting out of them, according to Burbank and her attorney, James Fishman.

Burbank said leaks in her Upper West Side apartment left her with mold and asthma. She said her housing development, which began transitioning from a rental to condo site in 2007, did not prioritize her and other rent-stabilized residents' maintenance requests.

To incentivize repairs, Burbank began paying rent into an escrow account and filed a lawsuit in 2015 seeking to compel the landlord to address mold, mice, a lack of cooking gas and insufficient heat and hot water, court records show. The owner, then an LLC affiliated with Time Equities Inc., countersued over the unpaid rent, court documents show.

The disputes were settled in a July 2017 agreement, in which Burbank agreed to move out by the end of September 2017 provided the landlord paid her \$250,000, according to court filings.

Burbank's building needed boiler and gas infrastructure upgrades, which impacted rent-regulated residents as well as condo owners, according to Seth Coston, director of residential asset management and operations at Time Equities Inc., which owned her apartment and developed the condos. Coston said he believed there were issues gaining access to Burbank's apartment to conduct repairs.

"It's, in our opinion, a more complex matter than she's making it sound," Coston said.

Burbank, who relocated quickly in 2017 and says her credit score is 800, has found the market far less hospitable this time around. Tenant screening reports have suggested her case is pending, rather than settled, Fishman said.

"It was reported as an open case, which is certainly more pejorative than a case that was resolved," Fishman said. "Also that the case was settled, without her being evicted, is certainly more mitigating than a case that ended up in her being evicted."

A document formally declaring the case concluded was delayed and ultimately filed last month, Fishman said. It included a clause noting the landlord had consented to the expungement of any record of the case with tenant screening bureaus or credit rating agencies.

Fishman's office sent a copy of the document to eight or nine tenant screening bureaus, requesting that they erase the case from their records, or at a minimum, accurately report that the matter was concluded. He said his team has not directly heard from any of the firms.

"The thing they keep getting wrong is that they think it's enough to simply report that there was a case, and the resolution or disposition of the case is really kind of an afterthought," Fishman said.

Fishman and other advocates have spent years highlighting hurdles faced by those in tenant screening report databases. In 2012, [the state announced](#) it would no longer sell streams of housing data with tenants' names. But Lexis continues to dispatch people to housing courts, where they mine public records for data that is then purchased by third parties and, as recently as 2014, used by some [650 tenant screening bureaus across the nation](#), Fishman said.

Part of the enforcement issue for the new law is that the new prohibition is written in a way that would require residents to show screening reports were the sole reason — rather than one of multiple factors — in a lease denial, Fishman said.

The measure would also not allow private attorneys to sue over the lists, lawyers said. When the law goes into effect in mid-July, tenants must rely on the attorney general's office, which could seek between \$500 and \$1,000 per infraction.

"That's a real slap on the wrists for most landlords," said Coffey.

Attorney General Letitia James' Office declined to comment.

The new rule prohibiting the lists, coupled with another new provision limiting security deposits to no more than one month's rent, will prompt many landlords to minimize their risks in other ways, according to Adam Frisch, Lee & Associates Residential NYC's managing principal, who handles broker duties for about 40 buildings in the city.

"I just changed my policies to require two landlord references — your past landlord and the landlord before that," Frisch said, adding that landlords are also discussing raising rent for some riskier tenants. "We were asking \$3,500 let's say. For you, the price is going to be \$3,800 to mitigate your credit. And that way if there's any issue, we'll get more rent earlier in the lease to mitigate any issue that comes afterwards."

The Real Estate Board of New York, a lobbying group for developers and landlords, did not respond to requests for comment.

Frisch said the lawmakers' use of the term blacklist suggests the real estate industry conspires to keep out tenants on one central database, when most consider several factors in tandem with tenant screening reports. Many do not immediately dismiss prospective renters with a legal history, Frisch said.

"The common practice has been to investigate," Frisch said. "I would always say to them, 'Listen, there's something odd on your credit. Can you explain it?'"

Enforcement will be key to empowering renters, according to Carmen Vega-Rivera, a tenant leader with Community Action for Safe Apartments New Settlement in the Bronx.

Vega-Rivera, 65, said she collaborated with about a dozen neighbors to [engage in a rent strike at 888 Grand Concourse in 2016](#), and sue the prior owner over neglected repairs. Jonathan Bombart, a member of the firm that owned the building at the time, could not be reached for comment.

Vega-Rivera said it was difficult to convince some to get involved, in part, because of anxiety about being blacklisted. She could not fully counter their concerns, especially as someone who once received a notice in the mail indicating a landlord had reviewed tenant screening reports about her history in housing court.

"I've gotten rejection letters, not knowing if it was based on the blacklist," said Vega-Rivera, who has been applying to units for disabled New Yorkers through the city's affordable housing website for years. "I'm not going to let it stop me."

<https://www.amny.com/real-estate/tenant-blacklist-ban-1.33255395>

Law 360: Bitfinex Returns \$100M To Tether Amid NY AG Proceeding

By Philip Rosenstein

July 2, 2019 8:42 PM



Bitfinex has repaid \$100 million of up to \$700 million loaned to it by Tether, the cryptocurrency exchange announced Tuesday, as the companies wrangle with the New York attorney general over the nature of the initial credit facility.

The transaction completed on Monday was not yet due, but is a result of the company's "financial position," according to the company. The transfer was made in fiat currency and included all accrued interest up to the end of June on the entire loan facility, Bitfinex said.

Bitfinex, Tether and iFinex, which has ownership interests in the two companies, have been locked in a legal battle with New York Attorney General Letitia James' office for allegedly defrauding New York investors.

James' office filed an ex parte order against iFinex, Bitfinex and Tether in late April seeking to freeze a \$900 million line of credit, up to \$700 million of which has purportedly been used, between the two companies that Bitfinex allegedly needed to cover \$850 million in mysteriously lost or stolen deposits.

The initial order obtained by James required the halting any further "dissipation" of U.S. dollars used to back Tether and sought documents and other information related to a November subpoena served on Bitfinex and Tether.

The order was eventually narrowed with a 90-day time limit after proceedings before a different New York Supreme Court judge. According to court documents, James' office must respond to the companies' motion to dismiss by July 8.

Although they deny the allegations, the companies said the case, purportedly filed to "protect New York investors," fails on a jurisdictional level because James' office targeted two businesses "that have nothing to do with New York investors — the businesses do not allow New Yorkers on their platforms and do not advertise or otherwise do business here."

"Making matters worse," they continued, James' office proceeded with the case under the Martin Act, New York's law providing the attorney general with wide powers to combat securities fraud. However, the products that the supposed victims purchased — called tethers — don't qualify as "securities" under the U.S. Supreme Court's 1946 Howey decision, the companies said.

A tether is what the industry calls a "stablecoin" — a cryptocurrency designed to have little price volatility and that is often pegged, as is the case with tethers, to a fiat currency. These stablecoins are purchased for their functionality rather than as an investment; tethers are used on the Bitfinex platform to facilitate other virtual currency transactions, so purchasers of tethers have no expectation of profiting from them, the companies said.

"Because tethers are neither commodities nor securities under the Martin Act, and because Bitfinex and Tether have not directed advertisement, purchase, or sale of tethers within New York, this special proceeding should be dismissed for lack of subject matter jurisdiction," the companies said.

James, on the other hand, claimed Bitfinex and Tether have "defrauded New York investors," and outlined that her office has been unable to determine the full extent of the exposure investors in New York might have to the alleged fraud.

According to James' office, Bitfinex moved more than \$1 billion of "wrongfully co-mingled client and corporate deposits," which included some from New York, to Panama-based Crypto Capital Corp. in 2018. Bitfinex chose to move its money to Panama due to the unwillingness of trusted banks "anywhere in the world" to take deposits and process withdrawal requests from its clients, James' office said, adding that no contract was ever signed between Bitfinex and Crypto Capital.

Later, in 2018, after executives at the companies began to speculate that Crypto Capital had stolen or lost the funds, the shortfall was covered by a minimum of \$700 million that was supposed to be used to maintain the purported 1-to-1 U.S. dollar reserves backing Tether's cryptocurrency, the attorney general's office claims.

Bitfinex and Tether have resolutely denied the allegations in James' "highly inflammatory and misleading" order, insisting the funds were not stolen or lost but rather partially seized by authorities, and that the credit line was set up to ensure "protection of the market."

Robert Schwinger, a commercial litigator with Norton Rose Fulbright, suggested to Law360 that the repayment of the \$100 million to Tether could prove a boon to the companies in the ongoing proceedings.

Given that part of the companies' argument is that New Yorkers have not suffered any harm as a result of the credit facility, even

partial repayment "lessens the likelihood that a problem might arise going forward that might undercut this argument," Schwinger said.

"Bitfinex also argues that the AG can only stop 'ongoing violations' and so can't sue if the complained-of actions have been discontinued," Schwinger said. "Repayment may enable Bitfinex to argue that they are now getting past the situation and moving in the right direction, which thus may help in fending off an injunction or similar order."

Bitfinex and Tether did not respond to requests for comment. Counsel for the companies declined to comment.

The New York attorney general's office did not respond to a request for comment.

<https://www.law360.com/newyork/articles/1175142/bitfinex-returns-100m-to-tether-amid-ny-ag-proceeding>

## Crain's New York Business: Medallion fiasco mirrors housing crash, but response doesn't

By Justin Brannan

July 2, 2019 11:58 AM

In the thousands of words written about New York's taxi medallion crisis, experts have rightly blamed everything from predation to greed. Since an explosive City Council hearing last week, others have cited outdated rules and blatant hypocrisy.

But what has generally flown under the radar is that this mess has the same smell of the subprime mortgage crisis from a decade ago.

The similarities are eerie. The mortgage crisis resulted from financial misbehavior and neglected oversight, which combined to hurt working people the most. Bad loans were knowingly given to folks who'd struggle to pay them, which helped artificially raise home prices and create a bubble in the economy.

The parallels continue. It wasn't just that banks targeted folks who couldn't afford homes. Communities of color were specifically taken advantage of, as were immigrants, including undocumented ones. No doubt that plan involved going after people who couldn't read English and didn't understand the terms they were agreeing to. Borrowers were pressured with irresponsible incentives to walk into risky deals, leading to debt that was easy to obtain but impossible to pay off.

The medallion crisis took the worst of these tactics and added to them. Cab drivers were forced to forfeit legal rights, subjected to massive fees and found themselves in interest-only deals—all as conditions to acquire medallions they thought they could later sell to retire on. One commentator summarized it nicely when she said the crisis was a mixture of "poorly informed borrowers, falsified loan documents ... prepayment penalties and other abusive features as well as out-right fraud."

Another fact which can't be ignored is how lenders fared during this meltdown. It's simply unthinkable that, while nearly 1,000 drivers went bankrupt and others took their own lives, bankers, credit union execs and their lobbyists enjoyed lives of exorbitant luxury. Granted, some credit unions were seized because of their bad loans, but the general picture is a group of financial institutions getting rich at the expense of defenseless people.

As with the housing crash, the damage will play out for years. Driver debt is still piling up, vulnerable people are still being targeted and, as my colleague Councilman Ritchie Torres showed, more instances of abdicated responsibility will likely be found.

We cannot just sit idle, hoping that victims recover and that institutions don't repeat their sins. Probes by Torres, Attorney General Letitia James and others are critical, but more must be done to hold bad actors accountable. Pending these investigations, city and state forces should prosecute illegal lending where it happened and remove public officials who knowingly abdicated their responsibilities to protect drivers.

The state should also pass legislation punishing lenders who discourage legal consultation, and compel financial institutions to provide better disclosures of borrowers' rights and information about language-interpretation services. Finally, the City Council must put in place rules that prevent future internal warnings from being ignored and study the feasibility of driver reparations.

It also matters that we correctly identify the culprits. This mess was created by people in the financial world motivated by bad incentives and unmoved by empathy. Blaming the drivers is victim-shaming, and fingering ride-hail companies (who must nonetheless be well-regulated) is beside the point. We know who inflated the bubble, and they must pay a price. We must also honestly recognize the failures of government officials. From regulatory agencies to elected officials, it's vital that we hold ourselves to a higher standard.

The mortgage crisis led to a wave of reflections and change. White papers and columns were written. Government hearings and academic conferences were held. Lawmakers at all levels of politics pushed for reforms and passed many of them.

New York's medallion crisis must create a similar response. Now more than ever, inaction is not an option.

<https://www.crainsnewyork.com/op-ed/medallion-fiasco-mirrors-housing-crash-response-doesnt>

## Urban CNY: Governor Cuomo Calls on DFS to Investigate Claims that Advertisers Use Facebook Platform to Engage In Discrimination

By Urban CNY News

July 2, 2019

Governor Andrew M. Cuomo today called on the Department of Financial Services to investigate reports that state-regulated advertisers are using Facebook, Inc.'s advertising platform to discriminate against protected classes.

"The allegations against Facebook advertisers are extremely troubling and fly in the face of everything that New York stands for," Governor Cuomo said. "I am calling on the Department of Financial Services to investigate these claims and help ensure that New Yorkers seeking housing for themselves and their families are not discriminated against in any way. We will take aggressive action and ensure that those who are behind these reprehensible alleged practices are held fully accountable."

"We are taking action to fully uncover the deeply concerning allegations being made against Facebook," said Lieutenant Governor Kathy Hochul. "Our state will not tolerate any form of discrimination and will actively work to ensure fairness and equality for all New Yorkers. This investigation is an important step forward to protect people's rights."

Financial Services Superintendent Linda A. Lacewell said, "DFS is committed to ensuring that all New Yorkers are protected and not discriminated against, no matter whether they're engaging in social media apps or simply opening a bank account. The Department will investigate Facebook advertisers to examine these disturbing allegations and we are prepared to take whatever measures necessary to make certain that all financial services providers are in compliance with New York's stringent statutory and regulatory consumer protections."

According to reports, Facebook's advertising platform allows advertisers to modify or block ads using ZIP code information to exclude consumers based on race, color, national origin, religion, familial status, sex and disability, among other classifications. Facebook touts its advertising platform as a powerful means for housing and housing-related advertisers to reach desired consumers. In addition to the specific tools made available to advertisers, Facebook also allegedly uses machine learning and predictive analytics to categorize users to project each user's likely response to a given ad, which may recreate groupings defined by their protected class.

Senator Kevin Thomas, Senate Chair of Consumer of Affairs Committee, said, "Large social media platforms have unprecedented access to our personal data. It is critical that we take a proactive approach in protecting our private data and preventing digital discrimination. I applaud Governor Cuomo for recognizing the seriousness of this issue, and for taking action to ensure that our personal data is not being used in deceiving and discriminatory ways. I am confident that DFS will work to address this critically important issue and continue to promote the protection of consumer privacy across New York State."

### New York's Consumer Protection Initiatives

Under Governor Cuomo's administration, New York has taken regulatory and legislative action to ensure the protection of consumers across the state. In March, the Governor announced a new law limiting debt collections against deceased debtors and

their families following reports that debt collection companies have tried to use techniques to pressure relatives for payments. Under the amendment, debt collection companies can no longer make any misrepresentation about the family's obligation to pay the debt.

Earlier this year, the Governor also launched an education initiative for the digital age, including an examination of the terms of service and privacy policies of popular web applications and services, following reports that Facebook secretly accessed personal information of users. In February, Governor Cuomo directed the New York Department of State, Department of Financial Services and other state agencies to investigate these reports and urged federal regulators to also take action to protect the rights of consumers.

In May, the Governor called on the New York State Department of Financial Services and the New York State Department of Taxation and Finance to investigate TurboTax, H&R Block and other major tax return preparers following recent reports that these companies allegedly used Google advertisement and website features to deceptively hide additional tax filing options from low-income individuals who are eligible to file their taxes for free.

In January, the Governor issued a consumer alert warning New Yorkers about a bug in the Apple FaceTime app that reportedly allowed users to receive audio and video from the device of the person were calling even before the person accepted or rejected the call. Governor Cuomo, in partnership with Attorney General Letitia James, immediately took action and announced an investigation into the privacy breach, directing New Yorkers to contact the Department of State's Division of Consumer Protection to report consumer complaints.

In addition, as part of the FY 2020 Enacted Budget, the Governor signed legislation passed by the legislature implementing sweeping reforms for licensing companies servicing student loans held by New Yorkers. The protections require that they meet standards consistent with the laws and regulations governing other significant lending products. The new statute also ensures that no student loan servicers can mislead a borrower or engage in any predatory act or practice, misapply payments, provide credit reporting agencies with inaccurate information, or any other practices that may harm the borrower.

In the wake of data breaches at credit reporting agencies such as Equifax that exposed the private data of millions of New Yorkers, the Department of Financial Services—at the Governor's direction—issued a final regulation requiring agencies with significant operations in New York to register with DFS for the first time and to comply with New York's first-in-the-nation cybersecurity standard. The regulation also provides the DFS Superintendent with the authority to deny, suspend and potentially revoke a consumer credit reporting agency's authorization to do business with New York's regulated financial institutions and consumers if the agency is found to be out of compliance with certain prohibited practices.

<https://www.urbancny.com/governor-cuomo-calls-on-dfs-to-investigate-claims-that-advertisers-use-facebook-platform-to-engage-in-discrimination/#>

SC Magazine: New York Legislature passes bill that toughens breach notification standards

By Bradley Barth

July 2, 2019

The New York State Legislature last month passed [The Stop Hacks and Improve Electronic Data Security \(SHIELD\) Act](#), which is intended to strengthen the state's data security laws by more explicitly defining when and how businesses must notify the public and attorney general of a data breach incident.

The proposed legislation, introduced by State Senator Kevin Thomas (D) and Assemblymember Michael DenDekker (D), now sits on the desk of Governor Andrew Cuomo, awaiting his signature.

Under current law, businesses must disclose a breach only when it is reasonably believed that an unauthorized person acquires certain personal and private information. But SHIELD would lower the threshold so that the reasonable belief that someone merely accessed the information is enough to require a notification.

"This distinction could be especially significant in the ransomware context in which private information may not be stolen, but

nonetheless may be accessed in a way that would now constitute a data breach and may trigger notification obligations,” explained Joseph Moreno, a partner in Cadwalader, Wickersham & Taft LLP’s White Collar Defense and Investigations Group, in an [analysis](#) posted by Mondaq.

Moreover, the new law would vastly expand the pool of companies that must follow these notification regulations. Current law applies only to parties conducting business in New York, but under SHIELD, any entity that deals in private info of New York residents must comply.

SHIELD also would add biometric information, as well as email addresses in combination with corresponding passwords or knowledge-based answers, to the list of private data that would require notification, if accessed alongside users’ personal information.

The legislation, which was passed on June 17, also states that “any person of business that owns or licenses computerized data which includes private information of a resident of New York shall develop, implement and maintain reasonable safeguards to protect the security, confidentiality and integrity of the private information...”

Examples of technical safeguards include solutions that allow individuals or organizations to assess risk in network design, software and data management, and detect, prevent and respond to attacks. Examples of physical safeguards include secure processes for information storage and disposal; intrusion detection, prevention and response; and data disposal.

SHIELD also specifies that small businesses will be held to data security standards that are reasonable based on their size and complexity, the nature of their activities, and the sensitivity of the data they collect.

“Consumers deserve the peace of mind that their private information is secure,” said Attorney General Letitia James in a recent [press release](#). “This bill is an important step forward providing greater protection for consumer’s private information and holding companies accountable for securing that data.”

“It is critical that our laws keep pace with the rapidly changing world of technology,” said State Sen. Thomas in the same release. “I am proud to announce the passage of the SHIELD Act... as it will allow for increased accountability and diligence in regards to consumer privacy. Now more than ever, it is important that businesses protect the private information of the consumers they serve.”

“This bill will ensure that businesses across the state dutifully guard consumer data and will enable the Attorney General’s Office to take the appropriate measures quickly and effectively in case of a breach,” added Assemblymember DenDekker in the release. “With the passing of the SHIELD Act, consumers’ private information will be more secure than ever.”

<https://www.scmagazine.com/home/security-news/new-york-legislature-passes-bill-that-toughens-breach-notification-standards/>

Chabad.org: Criminal Justice Summit at Columbia Inspired by the Rebbe’s Teachings

By Dovid Margolin

July 2, 2019 9:47 AM

A single statistic tells the tale: With a prison population of nearly 2.2 million people, the United States—home to just 4.4 percent of the world’s population—holds around 22 percent of the world’s incarcerated individuals, and has the world’s highest per capita prison population, followed by El Salvador, Turkmenistan, Thailand and Cuba. Granted that some countries (Cuba, China, North Korea, Iran) are most certainly underreporting their prison statistics, that still doesn’t leave the United States, a beacon of hope and freedom since its founding, in very good company. It wasn’t always this way; in the last 40 years, America’s incarcerated population has increased by 500 percent, leading to what is now commonly referred to as [mass incarceration](#).

In a country deeply politically divided between right and left, few issues of the day draw as much broad consensus in the United States as the need for transformational criminal justice reform that would reduce the incarcerated population while enhancing safety. A key to the solution may come from the growing concern being expressed by voters. The American Civil Liberties Union’s Campaign for Smart Justice recently found that although traditionally viewed as a “progressive” issue, 78 percent of likely voters,

including 72 percent of Republicans, are more likely to vote for a candidate who supports criminal justice reform. The problem has become so endemic that—once too dangerous to address lest a candidate be accused of being “soft on crime”—it is now no longer the third rail of American politics.

These days, many people from across the political spectrum and at all levels within the criminal justice system are working hard to bring about change. On June 17-18, some 400 of them—leading jurists, including federal and state judges, district attorneys, members of Congress, probation and parole officers, academics and activists—gathered in Manhattan for the landmark Rewriting the Sentence summit on alternatives to incarceration. Hosted by Columbia Law School, the summit was organized by the Chabad-Lubavitch-affiliated Aleph Institute, the leading Jewish organization caring for the incarcerated and their families. Partners included the American Bar Association Criminal Justice Section, the ACLU, the American Conservative Union Foundation, the National Association of Criminal Defense Lawyers and R Street, among other organizations.

“This is an opportunity to gather different constituencies in the criminal justice system to try to really put the humanity back into sentencing and to make sentencing more proportionate to mitigate the harm,” U.S. Circuit Judge Bernice D. Donald of the Sixth Circuit Court of Appeals and chair of the summit [told Chabad.org](#). “As [Rabbi \[Sholom\] Lipskar](#) [founder of the Aleph Institute] mentioned, the sentencing process doesn’t just affect the defendant, but it affects the family and the whole community. Sometimes, we are, through the sentencing process ... disregarding the humanity of the person and the potential productivity of that person. We can’t incarcerate our way out of our issues.”

Indeed, the fact that society can neither police nor incarcerate its way out of the deeply rooted underlying societal dysfunctions that result in crime was a constant theme in the teachings of the [Rebbe, Rabbi Menachem M. Schneerson, of righteous memory](#), who directed Lipskar to establish the Aleph Institute back in 1981. At the time, crime rates were rising in the United States, and by the end of that decade new Federal Sentencing Guidelines—coupled with strict mandatory minimum sentences for a wide swath of crimes, most of them nonviolent offenses—were the response.

The Rebbe, whose 25th anniversary of passing will be marked on [Gimmel Tammuz](#), which corresponds to July 6 this year, consistently rejected such an approach, stating unequivocally that a foundational moral education was the antidote to the root problem. Prisons, the Rebbe noted on a number of occasions, could only be useful if they first and foremost underlined the essential humanity and potential for good of each incarcerated individual—that they are “just as human as the prison guards,” [the Rebbe stressed in a 1976 talk](#). The goal of incarceration, he said, should be to re-educate and rehabilitate those convicted of crimes, preparing them to re-enter society as soon as possible so they could return to their individual missions in the world.

In those early days of the Aleph Institute, Lipskar, young and inexperienced in the alternate universe that is the prison system, met with Judge Jack B. Weinstein, former chief judge of the U.S. District Court for the Eastern District of New York. Weinstein, who still serves on the bench, recognized the Rebbe’s vision. “Your Rebbe is ahead of the curve,” he told Lipskar.

In 1989, as Weinstein prepared to testify before the Federal Sentencing Commission, he came to the Rebbe together with Lipskar, telling the Rebbe that he would be sharing his views on imprisonment with the commission.

“You will support my views also, not only report my views?” the Rebbe asked Weinstein, who answered in the affirmative.

“May G-d Almighty bless you to go from strength to strength,” the Rebbe continued, “and to reach the time when there will be no prisons, only preventative education to prevent people from going astray from the right way.”

“They didn’t listen,” a still-spry Weinstein recently told Chabad.org, referring to the Federal Sentencing Commission.

‘An Extremely Serious Problem’

In the context of the Rebbe’s revolutionary outlook on the very concept of criminal justice, Aleph has been at the forefront of alternative sentencing—pioneering, for example, the use of electronic monitoring.

Aleph’s goal has always been to find a better way to balance society’s need for safety and justice than merely by sending more people convicted of crimes away for longer terms of imprisonment, which had resulted in America’s record incarceration rates. The organization’s activism has helped change the fate of hundreds of thousands of individual prisoners, both Jews and non-Jews; in fact, [Aleph played a key role in the successful passage of the 2018 First Step Act](#), the most consequential overhaul of the U.S. criminal justice system in a generation. The Rewriting the Sentence summit was yet another crucial step towards the Rebbe’s vision



of a better and more just world, and the realization of the concept that every human being has a [Divine spark](#) within them and a singular role to play in this world.

“We are dealing with an extremely serious problem because we are not dealing with a few hundred people, we’re dealing with millions ...,” explained Lipskar in his opening remarks at the summit. The criminal justice system incarcerates more than 2 million people. Even once they are released, they face more than 170 federal restrictions on their freedom, called “collateral consequences,” and on average 1,000 state “collateral consequences,” including limitations or prohibitions on voting, public education and housing, and businesses and occupational licenses.

The devastating impact of incarceration extends to the estimated 10 million children in the United States who have experienced parental incarceration—an ordeal that statistically has an acute impact on their own chances of ending up within the criminal justice system.

“... We’re talking about millions of children and families who are totally discarded, not dealt with properly,” stressed Lipskar “They don’t have the social support that’s necessary, the educational support that’s necessary. They’re looked down upon; they’re embarrassed about their position.”

The solution, he and others repeated over the next two days, is not a minor fix.

“We need to rethink it,” he stated.

### The Divine Spark

Judge Jeremy Fogel, immediate past director of the Federal Judicial Center, spent 37 years on the bench, serving at the local, county, state and, most recently, as a U.S. District Judge for the Northern District of California. He also served as director of the Federal Judicial Center, the research and educational agency of the judicial branch of the federal government, from 2011 until his 2018 retirement from the bench. At that position, Fogel, who delivered the summit’s keynote address, oversaw the center’s work which includes what is colloquially termed “Baby Judges School,” a crash course offered to newly appointed federal judges where they learn the fundamentals of the awesome responsibilities their lifetime appointments confer on them. While it’s not mandatory, the vast majority of new federal district judges take the course.

Recognizing the vital importance of Rewriting the Sentence, the Federal Judicial Center funded travel for some 25 federal judges to attend.

Now serving as the first executive director of the Berkeley Judicial Institute, Fogel’s wide-ranging address focused on the fundamental changes the American criminal justice system requires. But he also warned of the difficult road ahead, and the necessity of realistic expectations and recognizing that not all ideas are in fact effective or good ones.

“... There is a Divine spark within every human being ... , a spark that is present within every genuine connection between people ...,” said Fogel. “... When I first heard about the Aleph Institute and its commitment to transforming the way we think about criminal justice, particularly our approach to incarceration, it was deeply reassuring to encounter the Divine spark again. It is a concept that affects not only the way we see people, but also how we relate with them. A truly transformative approach to criminal justice requires not only an abstract respect for every person, but also a genuine openness to meeting each person where he or she is and experiencing our common humanity ... .”

In the Rebbe’s [pioneering formulation of this idea](#), he explained that the goal of prison—[although not a consequence ever prescribed by the Torah](#)—“should not be punishment, but rather to give him the chance to reflect on the undesirable actions for which he was incarcerated. He should be given the opportunity to learn, improve himself and prepare for his release ... .”

Over the Aleph summit’s two days, dozens of panelists doing innovative work in all areas of the criminal justice system presented alternative educational programs, including drug rehabilitation, job training and restorative justice initiatives that help those convicted to understand the consequences of their actions by meeting with victims and families, and engaging in meaningful community work. And yet, the Rebbe always pointed out—and as Fogel echoed—that education could not do its job without the underlying respect for and acknowledgement of the human soul.

“In order for [education and improvement] to be a reality, a prisoner must be allowed to maintain a sense that he is created in the image of G-d,” the Rebbe stressed. “He is a human being who can be a reflection of G-d in this world.”



It has taken the U.S. criminal justice system decades of devastating experience and loads of data to start taking this core concept seriously.

“With few exceptions,” Fogel stated, “people who have spent time in prison are most likely to succeed outside only if they can find a deeper place within themselves, only if they can see themselves and the people around them in a different way. They need to gain, or regain, a sense of their intrinsic worth, not as a vague idea, but as a physical and spiritual reality ... .”

### New Approaches to Sentencing and Parole

The term “penitentiaries” as a name for prisons is unique to the United States, tracing back to the beginning of the 19th century. It was meant to connote places of penitents, where convicted individuals could consider and repent for their past actions before returning to society. Instead, in recent decades, prisons have become punitive facilities. The probation and parole system has experienced a similar trajectory; going from an institution meant to either keep a person out of prison or ease re-entry back into society to a system that all-too-often sends those convicted straight back to the facilities from which they had been released or which probation was meant to avoid. Despite the stated goal of correction and rehabilitation, data from the Bureau of Justice Statistics show that within three years, a full 68 percent of released prisoners are rearrested.

In other words, the system’s not working.

But it’s not only the correctional facilities that are to blame; they are part of a much larger system that has grown and developed over time. Radical change—some activists are seeking to cut incarceration numbers by 50 percent, which, according to The Sentencing Project, would take until 2093 at current decarceration rates—means drawing together all elements of the criminal justice system.

Fogel’s keynote was followed by a panel of federal judges titled “Judicial Practices: Creative Approaches to Sentencing,” which was moderated by Aleph’s Rabbi Yossi Bryski, who directs the organization’s Alternative Sentencing Division, and whose panelists were Judge Fredric Block, U.S. District Judge, Eastern District of New York; Judge Virginia Phillips, chief U.S. District Judge, Central District of California; Judge Esther Salas, U.S. District Judge, District of New Jersey; and Judge Brooke Wells, U.S. Magistrate Judge, District of Utah. In an animated discussion, each presented alternatives to prisons they had successfully pioneered in their own courtrooms.

Wells, for example, spoke about mental-health courts set up in her district, while Phillips described her California district’s CASA program, or Conviction and Sentencing Alternatives, formed in 2012 via a partnership between the then-chief judge, the chief public defender and the then-U.S. State’s Attorney. Geared towards individuals whose criminal activity—limited most often to drug and financial crimes—belies an underlying issue, the program includes drug rehab, if necessary, community service and educational requirements. Designed to reintegrate offenders into society, successful graduates of CASA’s track one have their charges dismissed, while those on track two are sentenced to probation.

“I’m going to encourage everyone in this room to start incorporating a change within your own professional life ... ,” Salas told the audience. Describing her sentencing process, Salas explained, “I want to come up with a sentence that is sufficient but not greater than necessary to address our concerns. I can tell you that if anyone says, well, these programs, they’re soft on crime. We’re talking about avoiding recidivism; protecting the public, and how do you do that? You do that by addressing the problem. ... There’s changes that I’ve made, many more I’d like to try. But we have to try ... .”

Block, who quipped that he was Judge “Feivel” Block when at an Aleph event, discussed collateral consequences at length, which are enacted by federal and state legislatures, and the need for both prosecutors and defenders to discuss pertinent consequences the convicted may face. Taking the state of Oregon as an example, he read out a partial list of collateral consequences that those convicted in the state faced, including being ineligible to be Black Bear Cougar agent for the department of fish and wildlife, ineligible for telemarketer registration, ineligible for an acupuncturist license and, crucially, ineligible to receive free public education, among many others—709 in Oregon in all.

“There are 94 district courts, only 24 with alternative sentencing programs ... where are the other 70 district courts that have not yet embraced any concept of alternatives to sentencing?” asked Block. “Hopefully, because of the Aleph Institute, it’s important to become aware of where we are at, how much further we have to go and to hope that when we gather here next time ... , all of the judges of all of the district courts in the United States will have embraced concepts of alternatives to incarceration.”

## The Why of Crime

Sentences are rendered by judges, who have it within their power to experiment with alternatives to incarceration, and active conversations took place throughout the two days of the conference, notably during the interactive mock-sentencing workshop given by Judge Nancy Gertner, a former U.S. District Judge for the District of Massachusetts, and today a professor at Harvard Law School. Gertner has been working closely with Aleph for years.

During the judges panels, presenters spoke of their approaches—all of them underscoring the need to look at each case individually and each defendant as an individual. Yet mandatory minimum sentencing laws first enacted in the 1980s have often made this difficult, sometimes impossible. These minimums, dictated by Congress from Washington, D.C., often took the power to sentence on a case-by-case basis away from the judge, applying a one-size-fits-all solution to disparate individuals. The First Step Act has eased some of those burdens, and yet there's still a long way to go.

The facts are that whether wittingly or not, harsh mandatory minimums have disproportionately impacted the African-American community. Until 2010's Fair Sentencing Act, minimums for crack cocaine offenses, a drug more common in black urban areas, carried far more severe automatic punishments than powder cocaine, a drug more often found in white suburbs. Among other factors, this has contributed to a glaring racial disparity in the U.S. prison population.

Just as criminal justice reform in general is popular across the political divide, a later panelist, Udi Ofer, director of the ACLU's Campaign for Smart Justice, pointed out that 75 percent of all likely voters, including 67 percent of Republicans, were more likely to support candidates who pledged to reduce racial disparities in the criminal justice system.

Ofer's panel, "Systemic Reform and the Role of Advocacy," was moderated by Michael Troncoso, director of criminal justice at the Chan Zuckerberg Initiative, and included Ofer, The Sentencing Project's Kara Gotsch and Marc Levin, of the conservative-leaning Texas Public Policy Foundation and Right on Crime.

"I think at the end of the day, and [the ACLU's] polling reveals this, there may be differences in language ... " with how those on the right and left discuss criminal justice reform, explained Right on Crime's Levin, "but we all want to get to the same place of fewer people in prison, more public safety, more people working and taking care of their families. So I think that resonates just as well in Oklahoma as it does in San Francisco."

Gertner's presentation cut more closely to the roots of the problem. Before beginning her case study, She shared her belief that decreased incarceration was not a criminal justice goal any more than more incarceration was. She also noted that while sentencing guidelines have taken away much discretion from judges, more discretion was only a beginning towards an actual solution.

"Criminal justice policy has to do with the kinds of issues people have been talking about today, which is the 'why?' of crime, the 'how?' of crime, not just more or less ... ," she said. While for judges, the key is "education."

## Think Different

The same way true reform goes beyond implementing changes within prisons and jails, and beyond the work judges do, every aspect of the criminal justice world has a role to play to create meaningful change. One summit highlight was a panel of three recently elected district attorneys: John Creuzot of Dallas County, Texas; Lawrence Krasner of Philadelphia, Pa.; and Rachael Rollins of Suffolk County, Mass. Krasner discussed changing the metrics by which his office measures success, focusing for example on the reduction of recidivism instead of the most common benchmark in the system: win rate.

Aside from the district attorneys, panels incorporated conversations on pretrial and probation—panels that included Christine Dozier, chief pretrial services officer for the district of New Jersey, and Mark Gjelač, deputy chief U.S. probation officer for the eastern district of New York—and alternatives in the mental-health arena. Letitia James, attorney general of New York, also shared her own remarks

Among the most moving moments was a conversation reflecting on the passage, and more importantly, on progress in implementation of the 2018 First Step Act, which sailed through both houses of Congress and was signed into law by President Donald Trump at the end of December. The co-sponsors of the House bill, Rep. Doug Collins (R-Ga.) and Rep. Hakeem Jeffries (D-N.Y.), were joined on stage by [Matthew Charles](#), one of the first people released under the First Step Act.

Charles, today a criminal justice fellow at FAMM (Families Against Mandatory Minimums), received a 35-year sentence for selling crack to an informant, serving more than two decades in federal prison—where he turned his life around—before gaining early release in 2016. Federal prosecutors appealed his release, citing previous felonies, and an appeals court was forced to order him back to prison after he had been free for two years, ruling that he needed to complete his initial sentence. Charles returned to federal prison before once again being released in January of 2019.

“When Matthew came to see us in January, literally, when I hugged him, I cried,” Collins shared. “Because how many times do you actually put a piece of legislation—and I made this comment to the president, I said, ‘Mr. President, when you sign this bill, it’s not simply lines on the pages, its faces behind the lines’—and how many times do you get to hug the face? ... This was a very special moment that should be celebrated and implemented ... but if we’re not able to say we kept our promise on this part and get it implemented properly, it’ll be almost impossible to get to the next level.”

The First Step Act was spearheaded by a group of Chassidic activists led by MosheMargareten, who nearly a decade ago teamed up with the Aleph Institute to promote transformational reform legislation that incentivizes educational programs by offering time-reduction and places a premium on human dignity. The congressmen on stage were well-aware of this fact, as was Charles, who, at the conclusion of the summit, [ventured together with Margareten to the Rebbe’s resting place in Queens](#), known as [the Ohel](#), to say thank you for the First Step Act, a direct result of the Rebbe’s vision that continues to inspire Margareten and the other Chassidic activists.

## The Vision

A summit like Rewriting the Sentence, bringing together such a wide-ranging group of thought leaders and players in the criminal justice system, is rarer than an outsider might think, according to participants.

“A two-day conference like this is astounding. It’s an extraordinary achievement for everyone who was behind putting this together,” said Professor Doug Berman, an attendee and panelist who authors the widely read and cited Sentencing Law and Policy blog.

“There can be at times an inclination for people to just get tired of thinking hard about it. ‘I’m never going to solve the problem of crime, I’m never going to solve the problem of punishment, so I’m just going to follow the [sentencing] guidelines,’ ” Berman, who also teaches at the Moritz College of Law at The Ohio State University, explained. “That’s why these things are so important, to take folks who can sometimes get jaded, whether judges, prosecutors or defense attorneys—the system can grind you down just because of the challenges. So just to be able to be refreshed and see other people energetic and presenting ideas and eager to talk about their experiences can be an incredible change agent ... .”

Among the future steps are new and currently progressing pieces of legislation at all levels, and pilot programs being launched. At the conference, Aleph’s Hanna Lieberman Dershowitz also announced the creation of their newest initiative, the Center for Fair Sentencing, which will aim to be a clearinghouse for the best policy initiatives from around the country.

Aside from the broad political consensus on display at the summit, the common thread tying the entire conference together was the basic concept of the irreplaceable [human soul](#) championed by the Rebbe. A video of the Rebbe speaking about prisons had a palpable impact on the room—men and women who through experience have seen the Divine spark within each person flickering even in the darkest of places.

In the aftermath of John Hinckley’s attempt on President Ronald Reagan’s life in 1981, the Rebbe discussed the fact that if children are [not given a moral foundation](#), a basic grounding in the idea that there is more to life than math, science, English and history—many individuals who go through the criminal justice system are not provided even that—then they will grow to feel they can outsmart their parents and the police, all to the detriment of society and even worse, themselves.

Society, the Rebbe stressed, cannot jail its way out of its issues. Each person is accountable before G-d and thus important, and has an obligation to fulfill his or her mission in this world. Society must do everything to assist all of its members in fulfilling that mission, whether children in public schools (who would be helped, for example, by a [Moment of Silence](#)) or the incarcerated adults some children unfortunately one day become.

“The summit’s objective was to inspire the key decision-makers to think about the process differently, to appreciate the humanity of everyone in the system,” explained Rabbi Zvi Boyarsky, Aleph’s director of constitutional advocacy. “Participants had the

opportunity to hear firsthand about programs that can really turn people's lives around. These are really Torah values—ideas taught to us by the Rebbe and based on his values.”

“Teshuvah (return to G-d through repentance) is essentially a matter of inner felt resolve,” the [Rebbe wrote in a pre-Rosh Hashanah letter addressed to prisoners in 1977](#), “sincere regret of the past and firm commitment for the future ... the good resolutions that a person resolved deep in his heart, are known and revealed to the Supreme King of kings, blessed be He, who has given assurance that ‘nothing stands in the way of Teshuvah,’ and grants the requests accordingly ... .”

Through a sincere contemplation of their past deeds and a firm resolve for the future, the Rebbe explained, it would also bring about “a change for the good in your present situation, by rousing compassion and amnesty in the hearts of those in authority who determine your status to speed up your freedom (in the plain sense), so that you can conduct your daily life at peace and inner freedom with yourselves and with society ... .”

[https://www.chabad.org/news/article\\_cdo/aid/4427408/jewish/Criminal-Justice-Summit-at-Columbia-Inspired-by-the-Rebbes-Teachings.htm](https://www.chabad.org/news/article_cdo/aid/4427408/jewish/Criminal-Justice-Summit-at-Columbia-Inspired-by-the-Rebbes-Teachings.htm)

## National

### Washington Post: House Democrats sue Trump administration over president's tax returns

By Jeff Stein and Rachael Bade

July 2, 2019 12:32 PM

House Democrats filed a lawsuit Tuesday in federal court seeking access to President Trump's tax returns, accusing the Trump administration of an “extraordinary attack” on Congress in preventing the disclosure of the president's personal financial records.

Rep. Richard E. Neal (D-Mass.), chairman of the House Ways and Means Committee, filed the lawsuit against the Internal Revenue Service and the Treasury Department after months of feuding with the administration over the returns.

Treasury Secretary Steven Mnuchin and IRS Commissioner Charles Rettig, who have denied Democrats' demands for the returns, are named as defendants.

“Defendants have mounted an extraordinary attack on the authority of Congress to obtain information needed to conduct oversight of Treasury, the IRS, and the tax laws on behalf of the American people who participate in the Nation's voluntary tax system,” the 49-page lawsuit states.

Mnuchin in May rejected a subpoena issued by Democrats on the committee. That rejection pushed Neal to seek a court battle that legal experts say might go all the way to the Supreme Court, given the central questions it poses about the scope of Congress's ability to oversee the White House.

The move also intensifies the expanding conflict over a range of oversight questions between Congress and the Trump administration, which has invoked privilege and sought to stonewall Democratic lawmakers' investigations.

“This is a big deal that goes to the core of our government's checks and balances, and could for many years shape the relationship between the executive and legislative branches,” said Steve Rosenthal, a legal expert at the Tax Policy Center, a nonpartisan think tank.

House Democrats and legal experts have pointed to a 1924 law that explicitly gives lawmakers the authority to seek the records, but the Trump administration has characterized Neal's request as a partisan maneuver to embarrass his political opponents. Mick Mulvaney, Trump's acting chief of staff, has said Democrats will “never” see Trump's returns.

Trump refused to release his tax returns during the 2016 presidential campaign in a break with decades of precedent from previous presidents. He has told advisers he is willing to take the fight over his returns to the Supreme Court, and he has publicly argued that the tax returns were an issue in the 2016 election but that because he won they should no longer be of concern.

Neal first demanded six years of Trump's personal and business returns, from 2013 to 2018, in letters to the administration in April. Trump has claimed he cannot release his tax returns because he is under audit.

"Numerous investigative reports have revealed that President Trump, through the complex arrangements of his personal and business finances, has engaged in multiple aggressive tax strategies and decades-long tax avoidance schemes," the lawsuit states. "Congress and the Committee, however, have thus far been unable to evaluate the President's claims about the IRS's audit process or to assess if and how President Trump has been able to take inappropriate advantage of the tax laws."

Neal's subpoenas to Mnuchin and Rettig requested the IRS turn over Trump's individual income tax returns, all "administrative files" such as affidavits for those income tax returns, and income tax returns for a number of Trump's business holdings such as the Donald Trump Revocable Trust, an umbrella entity that controls dozens of other businesses, including the Mar-a-Lago Club in Florida.

It is unclear how long it might take for the federal courts to rule on the lawsuit. Neal has faced pressure and some criticism from House Democrats for waiting until July to file the lawsuit, with some liberal lawmakers expressing frustration that the lawsuit could fail to reveal Trump's returns before the 2020 presidential election.

House counsel Douglas Letter told lawmakers during a closed-door briefing last month that the lawsuit could continue into 2020, according to Rep. Daniel Kildee (D-Mich.).

Several lawmakers, Kildee said, are "anxious about the tax return issues" and want a ruling fast. But Letter, he said, suggested it could drag out into next year, going all the way up to the Supreme Court.

"It was sobering, that some of this could take a long time ... that's my characterization of what he said," Kildee said of Letter's presentation, though he didn't give timelines. "The problem of course is, especially in the case of the federal courts, they do their own thing. They set their own calendar."

[https://www.washingtonpost.com/business/2019/07/02/house-democrats-sue-trump-administration-over-presidents-tax-returns/?utm\\_term=.cffe71e2e5a2](https://www.washingtonpost.com/business/2019/07/02/house-democrats-sue-trump-administration-over-presidents-tax-returns/?utm_term=.cffe71e2e5a2)

## Talking Points Memo: What Exactly Is Going On With Mike Pence's Abrupt Return To The White House?

By Kate Riga

July 2, 2019 12:17 PM

In the immediate aftermath of his abrupt cancellation of an event in New Hampshire, the reasons for Vice President Mike Pence's reversal are still unknown.

The White House has stayed mum on why Pence was called back to the White House, declining to elaborate at all on the reason for the change of plans.

Officials would not even provide clarity on whether or not Pence was already midair in Air Force Two when he was called to return.

According to the Boston Globe, Massachusetts committeeman Tom Mountain said that Secret Service told him President Donald Trump ordered Pence back to Washington mid-flight.

ABC News' Meredith McGraw reported on Twitter that Pence was on his plane but that it never took off:

White House spokesman Judd Deere echoed the message from the Vice President's office, almost word for word. He did not provide any on the record answers about the President's health, or rumors that Russian President Vladimir Putin has just called an emergency meeting.

"VP's office has already commented on this," he told TPM. "Something came up and the VP needed to be in D.C. – there is no cause for alarm."

The Vice President is reportedly in the White House now.

<https://talkingpointsmemo.com/news/pence-cancelled-event-plane-diverted-washington>

Washington Post: A Facebook group for border agents was rife with racism and sexism. Now DHS is investigating.

By Eli Rosenberg, Robert Moore, Mike DeBonis and Katie Mettler

July 2, 2019 1:22 PM

EL PASO — Federal officials are investigating whether agents participated in a private Facebook group for Border Patrol employees that hosted racist, sexist and sexually violent memes about immigrants and officials such as Rep. Alexandria Ocasio-Cortez.

Matthew Klein, an assistant commissioner at U.S. Customs and Border Protection, called the Facebook group's posts "disturbing" and said that the inspector general of the Department of Homeland Security, of which CBP is a part, began an investigation after a report by the investigative site ProPublica.

The posts on the private group, which says it is for current and former Border Patrol agents, included caustic remarks about the deaths of migrants, sexually explicit images edited to include images of Ocasio-Cortez (D-N.Y.) and xenophobic asides and comments, according to ProPublica.

The Washington Post was not able to confirm the existence of the group, called "I'm 10-15," after the law enforcement code for "aliens in custody." The private group is not visible to people who are not members.

"Where Old Patrol meets New Patrol," the group described itself, according to images ProPublica shared. "We are family, first and foremost. This is where the Green line starts, with us."

Some of the memes shared on the group's page that ProPublica reported on include a photo illustration that depicts Ocasio-Cortez being forced to give oral sex to President Trump. Another depicted her giving oral sex at a detention center for immigrants, ProPublica reported.

On a post about a 16-year-old migrant who died in Border Patrol custody, group members responded with comments such as, "Oh well," and "If he dies, he dies."

One commenter talked about starting a fundraising site to support a Border Patrol agent to throw burritos at Ocasio-Cortez and another lawmaker, Rep. Veronica Escobar (D-Tex.), who were part of a Democratic delegation that on Monday visited Border Patrol stations in El Paso and Clint, Tex., as well as an El Paso facility for children operated by the Department of Health and Human Services.

Lawmakers decry migrant center conditions, slam 'vulgar' Facebook posts by border agents

A group of lawmakers criticized conditions at the U.S. Customs and Border Patrol station in Clint, Tex., following a visit to the center July 1. (AP)

Before the tour, several members of the delegation asked their hosts in a private briefing whether they would be safe inside, said Rep. Pete Aguilar (D-Calif.).

The airing of the attacks in the private Facebook group, Aguilar said, made it even more difficult for congressional overseers to trust the Border Patrol as the federal government works to address the surge of migrants at the U.S.-Mexico border.

"It's very tough to back them up when their active and retired members are part of this Facebook page," he said in an interview. "Even if it's a very small percentage, it's unfortunate they harbor some very dark imagery and very dark thoughts about migrants and members of Congress."

The Congressional Hispanic Caucus organized the trip after conditions at the Clint facility prompted an outcry last month, with

lawyers who visited describing scenes of hundreds of sick and dirty children without their parents and inconsolable toddlers in the care of other children.

During Monday's visit to Clint, lawmakers saw only about two dozen migrant children being held there, down from about 700 in May, Aguilar said. Members expressed more-pointed concerns about the El Paso facility, where they said several hundred people were still detained.

They described a visit with a group of more than a dozen Cuban women housed in a crowded cell without running water who reported going weeks without showers. Though the delegates' cellphones were confiscated, Rep. Joaquin Castro (D-Tex.), the caucus's chairman, managed to bring in a recording device on which he captured photos and video of the women.

Ocasio-Cortez said one woman said she was told by Border Patrol officers to drink out of a toilet. "And that was them knowing that a congressional visit was coming," the visibly angry lawmaker said in an interview. "This is CBP on their best behavior, telling people to drink out of the toilet.

Rep. Judy Chu (D-Calif.), another member of the delegation, echoed Ocasio-Cortez's description in an account posted to Twitter and said the conditions at the facility were "appalling and disgusting." Rep. Madeleine Dean (D-Pa.) called them indicative of a "human rights crisis."

A DHS official, who was not authorized to discuss the visit and spoke on the condition of anonymity, insisted that no Border Patrol agent would make a migrant in custody drink from a toilet and said there was water available.

Rep. Joaquin Castro (D-Tex.) tweeted a video July 1 showing women in Border Patrol custody in El Paso, Tex. (Rep. Joaquin Castro)

Aguilar and others said the revelations surrounding the Facebook group — which came to light during the morning visit to the HHS facility — colored the visits later in the day to the Border Patrol sites.

"It shocks the conscience that these agents are entrusted with the lives of anybody in their custody, much less vulnerable people," Castro said. "And the vulgar xenophobia and sexism is clearly pervasive."

The Facebook group confirmed "some of the worst criticism of Customs and Border Protection," Castro told ProPublica.

The report drew wide criticism of the Border Patrol from other Democratic lawmakers, including presidential candidates such as Sen. Elizabeth Warren (D-Mass.) and New York Mayor Bill de Blasio.

"These racist and sexist comments are completely unacceptable," Warren tweeted. "We need answers — and the @CBP agents involved must be held accountable."

"Racist and sexist behavior on the part of those who wear a uniform of the United States is unacceptable," tweeted Sen. Bernie Sanders (I-Vt.). "The DHS must investigate and take strong action against those found guilty of this vulgar behavior."

Sanders added: "This is simply horrific. The dehumanization of immigrants has got to end and those involved in this must be held accountable. Thank you @AOC for standing up to the indignity of what is occurring in detention centers."

On Twitter, shortly before visiting a border detention facility in Texas, Ocasio-Cortez tweeted: "This isn't about 'a few bad eggs.' This is a violent culture. ... How on earth can CBP's culture be trusted to care for refugees humanely?"

She later returned to the platform to respond to accusations in a news report that she "screamed" at officers in a "threatening manner" while touring the Texas site with other members of Congress.

The Washington Examiner report quoted two unnamed witnesses who claimed that they, along with 40 other people, saw Ocasio-Cortez "crying and screaming and yelling" at a Border Patrol facility in El Paso. The report claimed agents wanted to respond but were held back because she was a lawmaker.

"And to these CBP officers saying they felt 'threatened' by me," Ocasio-Cortez tweeted in response. "... They confiscated my phone, and they were all armed. I'm 5'4". They're just upset I exposed their inhumane behavior."



In a statement Tuesday, the congresswoman's communications office called the Examiner's report an "inaccurate depiction of events."

"The Congresswoman spoke sternly to a CBP agent that tried to take a stealth selfie with the Congresswoman in a mocking manner, despite the gravity of the situation," the statement said.

Customs and Border Protection is a central component of the Trump administration's attempts to stanch the flow of migrants on the U.S.-Mexico border.

CBP's conduct standards forbid making "abusive, derisive, profane, or harassing statements or gestures, or engag[ing] in any other conduct evidencing hatred or invidious prejudice to or about one person or group on account of race, color, religion, national origin, sex, sexual orientation, age or disability," including on social media.

The Border Patrol's chief of operations, Brian Hastings, said on CNN that the posts "do not represent the thoughts of the men and women of the U.S. Border Patrol. ... Don't let the actions of a few be representative of the whole, is what I'd ask."

Hastings added that if any agents are found to have been responsible for the Facebook posts, "the appropriate disciplinary actions will be taken."

"These posts are completely inappropriate and contrary to the honor and integrity I see — and expect — from our agents day in and day out," Carla Provost, head of the Border Patrol, said in a statement.

Inside the Secret Border Patrol Facebook Group Where Agents Joke About Migrant Deaths and Post...

The three-year-old group, which has roughly 9,500 members, shared derogatory comments about Latina lawmakers who plan to visit a controversial Texas detention facility on Monday, calling them "scum..."

The National Border Patrol Council, the union that represents the vast majority of Border Patrol agents, said it condemned the inappropriate content in the Facebook group.

"The content found in this group — whose membership is comprised of agents, retired employees, employees who no longer work for Border Patrol, and members of the public — is not representative of our employees and does a great disservice to all Border Patrol agents, the overwhelming majority of whom perform their duties honorably," it said in a statement.

[https://www.washingtonpost.com/politics/2019/07/01/aoc-immigrants-targeted-racist-sexist-posts-border-agent-facebook-group/?utm\\_term=.c4701990c2dd](https://www.washingtonpost.com/politics/2019/07/01/aoc-immigrants-targeted-racist-sexist-posts-border-agent-facebook-group/?utm_term=.c4701990c2dd)

Politico: Trump, RNC rake in massive \$105 million second-quarter haul

By Quint Forgey

July 2, 2019 8:55 AM

President Donald Trump's reelection campaign and the Republican National Committee raised \$105 million in the second quarter of 2019, the RNC announced Tuesday.

That number, first reported by The New York Times, eclipses the roughly \$85 million in contributions then-President Barack Obama's campaign and the Democratic National Committee raised during the same period in 2011 as he sought a second White House term.

"Our massive fundraising success is a testament to the overwhelming support for President Trump," Brad Parscale, Trump's campaign manager, said in a statement. "No Democrat candidate can match this level of enthusiasm or President Trump's outstanding record of results."

Trump and his fundraising committees raked in \$54 million of the \$105 million total, while the RNC collected \$51 million. RNC

Chairwoman Ronna McDaniel said in a statement that the “record-breaking fundraising” by the national party “has allowed us to identify troves of new supporters online and continue investing in our unprecedented field program.”

McDaniel added: “Our grassroots army is already hard at work — putting us in prime position to re-elect President Trump and Republicans across the country.”

News of the enormous haul by Trump’s reelection effort, which enjoys a combined \$100 million in cash on hand, follows another impressive fundraising performance by one of the president’s Democratic challengers, Pete Buttigieg.

The South Bend, Ind., mayor — who was virtually unknown on the national stage prior to the launch of his presidential exploratory committee in January — announced Monday that his campaign fetched more than \$24.8 million in the year’s second quarter.

<https://www.politico.com/story/2019/07/02/trump-republican-national-committee-105-million-1394515>

Associated Press: Trump to hold 2020 rally on day of Mueller's testimony

By Associated Press

July 2, 2019

WASHINGTON (AP) — President Donald Trump will be holding a campaign rally in North Carolina on July 17 — the day that former special counsel Robert Mueller is expected to testify before Congress.

Trump's reelection campaign has announced he will host a "Keep America Great" rally at Williams Arena in Greenville that evening.

Mueller is scheduled to publicly testify before the House Judiciary and Intelligence committees. Democrats are hoping to draw more attention to the report that Mueller gave to the Justice Department in March. It detailed Russian interference in the 2016 presidential election and reviewed several episodes in which Trump tried to influence Mueller's probe.

Trump has frequently criticized Democrats' efforts to get Mueller to testify. The president tweeted Tuesday that "this Witch Hunt must now end," adding, "No more Do Overs."

<https://www.yahoo.com/news/trump-hold-2020-rally-day-011141909.html>

## State

Rochester Democrat & Chronicle: Audit finds poor planning cost New York millions. But there's more to the story.

By Jon Campbell

July 2, 2019 2:23 PM

ALBANY — Poor planning by Gov. Andrew Cuomo's administration cost taxpayers more than \$12 million in overruns as the state began building rest areas with a tourism focus across New York, according to a new audit from Comptroller Thomas DiNapoli's office.

But one of the Comptroller's Office employees overseeing the review was arrested for placing a GPS tracking device on a woman's car while the audit was taking place, leading the state Department of Transportation to question the report's findings.

The audit released late last month paints an unflattering picture of the DOT's ability to plan and follow its own procedures as it sought to build an I Love NY Welcome Center — a rest area with a tourism focus — in each of the state's 10 regions.

It also helped reveal the arrest of Joseph Robilotto, who was an examiner-in-charge for the Comptroller's Office helping to

supervise on-site auditing work within the DOT's suburban Albany complex.

Robilotto, 53, was charged with misdemeanor stalking last August after the woman, who works at DOT headquarters, found the device. It had been in place for five months, according to State Police.

The Comptroller's Office said it has "no tolerance for such behavior." Robilotto, who did not respond to requests for comment, was quickly removed from the audit and no longer works for the state at all, according to the office.

The DOT, however, has attempted to use Robilotto's arrest as a way to cast doubt on the audit's major points, suggesting his actions "unduly impacted" the report and questioning why he wasn't listed among those who contributed to it.

In response, the Comptroller's Office accused the DOT of "exaggerating" Robilotto's role in the audit in hopes of delegitimizing its findings, calling the department's concerns "unfounded."

What the audit found

The audit examined the state's plans to build at least 10 Welcome Centers, which carry New York-made products and were billed as a way to tout the state's tourism attractions in each region of the state.

But the Welcome Centers, which have been publicly touted by Cuomo, saw significant cost overruns that the Comptroller's Office's audit claims was the result of frequently poor planning.

Among the audit's findings:

DOT didn't initially account for a sewer system when building a Welcome Center on the Long Island Expressway, an avoidable error that played a big role in inflating the facility's cost from \$20 million to \$27 million.

In Kirkwood, Broome County, final plans and estimates for a Welcome Center were only 30 percent complete with the DOT put the project out for a bid. The cost ultimately rose from \$6.4 million to \$8.3 million when the rest area opened in October 2017.

In the town of Schodack east of Albany, DOT spent \$1.4 million tearing down an existing rest area on Interstate 90 before deciding the property wasn't big enough for a Welcome Center and moving it to Interstate 87.

In a written response to the auditors, DOT attempted to refute many of the Comptroller's Office's conclusions, calling many of the audit's findings "baseless and inaccurate" and criticizing it for not doing more to recognize the tourism benefits the Welcome Centers bring.

Some of the inflated cost came from ensuring the Welcome Centers were open in time for peak traveling seasons, according to the department. And some of the cost overruns were aimed at providing more amenities to travelers, the agency wrote.

That includes the last-minute add of the Long Island sewer system, which DOT claimed was a "more cost-effective delivery method" that helped "enhance services available to motorists." (The Comptroller's Office said that's "not a rational position.")

It was in that contested back-and-forth — included at the end of the Comptroller's Office's report — that Robilotto's arrest came into play.

DOT raised the issue without mentioning Robilotto by name, noting that a Comptroller's Office employee had been arrested while the audit was ongoing for "inappropriate and harassing behavior" of a worker at DOT headquarters.

On July 16, 2018, the female worker found a small, black magnetic case containing a SpyTec GPS device attached below her car's rear driver-side door, according to court documents. She filed a sworn complaint with State Police six days later, saying she was unaware of anyone wanting to track her location.

A month later, Robilotto was arrested by State Police, which issued a press release about the arrest at the time but did not note his job or his role with the audit.

DOT questioned why Robilotto wasn't listed as an author of the audit, using it to cast doubt on the report's findings as a whole.

"NYS DOT is concerned that many of the findings and recommendations included in this audit were unduly impacted by the Examiner in Charge's actions during the audit, and his apparent lack of participation in the final audit drafting," DOT Assistant Commissioner Raymond LaMarco wrote in his response.

DOT did not detail how or why it believes Robilotto's arrest may have influenced the report.

The Comptroller's Office, in response, suggested DOT was using Robilotto's arrest to try and distract from the report's unflattering findings.

A draft audit was submitted to DOT in April 2018, eight months after Robilotto's arrest.

Audits go through multiple layers of review that are meant to ensure no single person can exert too much influence over their findings, according to the Comptroller's Office.

"(DOT) officials attempt to raise doubts about the audit work by exaggerating the role played by this individual in order to raise concerns regarding this individual's influence on the audit's outcome," the Comptroller's Office wrote

As an examiner-in-charge, Robilotto was a low-level supervisor on the audit, with three layers of supervisors and an executive team above him, according to the Comptroller's Office.

Two examiners-in-charge were listed as authors of the report; Robilotto was not among them.

"As Department officials are aware, this individual was no longer with the (Comptroller's Office) when the report was written and it is not (our) practice to list participants — only major contributors to the report," the Comptroller's Office wrote.

Robilotto's case remains pending in the Albany County town of Guilderland, where the tracking device was discovered.

<https://www.democratandchronicle.com/story/news/politics/albany/2019/07/02/audit-i-love-ny-welcome-center-arrest/1549664001/>

Times Union: 'Fair elections' panel to be appointed by end of week

By Rachel Silberstein

July 2, 2019 4:35 PM

ALBANY — A nine-member "fair elections" commission tasked with designing a statewide public matching system for political campaigns will be convened by the end of the week, Gov. Andrew M. Cuomo's office has confirmed.

Language in the 2019-2020 state budget created a panel of experts — to be appointed by the governor and leaders of the Senate and Assembly — to outline by Dec. 1 the parameters of a public financing program for all legislative and statewide elections, with an estimated cost of \$100 million a year.

Now that the legislative session has concluded, "We are hoping to make an announcement sometime this week," Cuomo spokesman Richard Azzopardi said.

Cuomo, Senate Majority Leader Andrea-Stewart Cousins and Assembly Speaker Carl E. Heastie will each appoint two members, while leaders of the minority Republican conferences will each select one commissioner.

Since Republicans oppose the use of public funds to aid political campaigns, and the Assembly leadership has expressed reservations about a public financing system, advocates speculate the outcome of the panel may hinge on a ninth appointee, jointly selected by Cuomo, Heastie and Stewart-Cousins.

"We hope to see soon a diverse group of pro-reform experts seated so they can begin crafting the model for the nation campaign finance law that voters have been promised," said Dave Palmer, campaign manager for the Fair Elections NY coalition.

Spokespersons for the Senate, Assembly and Cuomo's office declined to reveal the names of their appointees.

The original Fair Elections Act, [a final sticking point](#) during March budget discussions, would have created a 6-to-1 public matching system for small donations to candidates for state office. The measure is intended to counteract the influence of big money on the state's electoral system.

Instead, the final spending plan created a panel with few parameters. The commission's recommendations will be binding unless the Legislature moves to reject them within 20 days.

Advocates want the Legislature to introduce bills amending the law in preparation for the 20-day window in December, in case the commission's recommendations fall short.

Despite an unusually productive session, which in some instances saw the voices of grassroots activists [elevated over](#) deep-pocketed interests, the playing field is far from leveled, according to the government reform group Reinvent Albany.

The group, which in May [pointed out](#) the lack of fundraising from constituents among top Assembly Democrats, has [released an analysis](#) pointing to a similar trend in the upper chamber.

In both houses, most legislators with leadership titles have derived the magnitude of their fundraising from special interests and companies with business before the state, rather than individuals in their districts, according to Reinvent Albany's breakdown of data from the 2017-2018 election cycle.

"We still leave this legislative session with a campaign finance system in place that looks a lot like the old Albany: with big money still playing an outsized role in our political process," Reinvent Albany's Alex Camarda said.

In the Senate, in-district individual donations accounted for 23 percent of contributions to top Democrats. In the Assembly, the ratio was more lopsided, with just 16 percent of donations made during the last election cycle from constituents.

<https://www.timesunion.com/news/article/Fair-elections-panel-to-be-appointed-by-end-of-14066992.php>

## Crain's New York Business: Cuomo debuts Brooklyn state park named for iconic congresswoman

By Will Bredderman

July 2, 2019 1:46 PM

[Gov. Andrew Cuomo](#) on Tuesday announced the opening of the sprawling, 407-acre [Shirley Chisholm State Park](#) in Brooklyn—the largest parcel of gubernatorially-controlled green space in the five boroughs. The former East New York landfill sits on Jamaica Bay, adjacent to the massive Spring Creek Towers development, popularly called by its former name, Starrett City.

Cuomo first announced the project early last year, before launching a re-election campaign that saw low-income, chlorophyll-starved urban communities like East New York award him the overwhelming majority of their votes.

"Why in Brooklyn?" Cuomo asked rhetorically at the event. "Because Brooklyn needed it."

Chisholm represented Central Brooklyn in the House of Representatives from 1969 until 1983 and became the first black woman to seek a major party's nomination for president in 1972, when she fell short of South Dakota Sen. George McGovern in the Democratic contest. Cuomo, along with state Sen. Roxanne Persaud and Rep. Hakeem Jeffries, remembered Chisholm's life and accomplishments.

"Shirley Chisholm once said, 'If they don't give you a seat at the table, bring a chair,'" Jeffries recalled. "Well, today we have a state park."

<https://www.crainsnewyork.com/real-estate/cuomo-debuts-brooklyn-state-park-named-iconic-congresswoman>

## City & State: Where are New York's sanctuary cities?

By Ethan Stark-Miller

July 2, 2019

President Donald Trump [kicked](#) off his reelection campaign last month with a familiar pledge: to deport millions of “illegal aliens.” He said U.S. Immigration and Customs Enforcement would start the process of these deportations [in a matter of weeks](#).

So which municipalities in New York state have identified themselves as sanctuaries for undocumented immigrants?

Although many cities, counties and states call themselves sanctuaries, the term doesn't have a single definition. “‘Sanctuary’ means different things to different people,” Cornell Law School Professor Stephen Yale-Loehr told City & State. “And it is not a legal term.”

In addition, the term sanctuary doesn't define a specific policy. “There is no set of policies that make anything a sanctuary municipality,” said Theo Moore, director of local policy and legislation at the New York Immigration Coalition.

Instead, it encompasses a range of policies that jurisdictions implement to prevent local officials from sharing information with Immigration and Customs Enforcement, Yale-Loehr said. Sanctuary policies can also include criminally processing undocumented immigrants locally instead of handing them over to federal immigration authorities.

The Center for Immigration Studies, [an anti-immigration think tank](#), has compiled a [list](#) of the cities, counties and states that call themselves sanctuary jurisdictions. The organization identified municipalities or sheriff's departments that have passed laws, resolutions or another kind of measure to prevent local law enforcement from cooperating with Immigration and Customs Enforcement.

The center lists seven municipalities in the state that it considers to be sanctuary jurisdictions: Albany, Ithaca, New York City as well as Franklin, Nassau, Onondaga and St. Lawrence counties. Franklin, Nassau, Onondaga and St. Lawrence counties only specify that they don't honor Immigration and Customs Enforcement requests without a warrant, Moore said. Based on his research, the localities that actually have sanctuary policies in the state are Albany, Ithaca, New York City and Westchester County, which isn't on the Center for Immigration Studies' list.

What's more, New York City is the only locality in the state that is considered to be a sanctuary city by its elected officials, Moore said. Below is a map of the municipalities in New York state that have sanctuary policies.

### Albany

Albany Mayor Kathy Sheehan [issued](#) an executive order in April 2017 that said the city's police department won't ask individuals about their immigration or citizenship status, unless it is pertinent to an investigation.

In late 2017, the U.S. Justice Department [sent](#) letters to Albany and 28 other jurisdictions, requesting that they affirm their compliance with U.S. Code 1373, a statute passed under the Trump administration stipulating that localities are not allowed to stop government entities or officials from sharing information with Immigration and Customs Enforcement. The Justice Department warned that localities violating this code could lose their justice assistance grants. Albany maintained that it was compliant with federal law.

### Ithaca

The Ithaca City Council [passed](#) an [ordinance](#) in February 2017 directing city officials and police officers not to ask any individuals about their immigration status, unless the person is committing a crime related to their status. However, Ithaca was not one of the cities that the Justice Department identified as being in violation of U.S. Code 1373.

### New York City

In late 2014, Mayor Bill de Blasio [signed](#) two bills into law that significantly reduced the degree to which city officials would cooperate with federal immigration enforcement. Introductions 486-A and 487-A ended the city's cooperation with Immigration

and Customs Enforcement [detainer](#) requests, except in situations where an individual has been convicted of a violent crime. The bills also ended the presence of federal immigration officials at Rikers Island and all other city-run facilities. The city is home to more than 500,000 undocumented residents, according to [recent estimates](#). It was included in a [2018 Justice Department letter](#) demanding documentation about whether the city was violating U.S. Code 1373.

## Westchester County

In March 2018, Westchester County Executive George Latimer signed the Immigrant Protection Act into law. In a [press release](#), the Westchester County Board of Legislators made a point of stating that this is not a sanctuary measure. Broadly, the bill defines what law enforcement can ask individuals about their citizenship status and how that information is shared with other levels of law enforcement. More [specifically](#), it prevents Westchester County from using its resources to assist in federal investigations based on a number of identities, including national origin.

<https://www.cityandstateny.com/articles/politics/new-york-state/where-are-new-yorks-sanctuary-cities.html>

## Local

### Wall Street Journal: New York City Steps Up Traffic Enforcement After Cyclist Deaths

By Katie Honan and Ben Chapman

July 2, 2019 5:50 PM

The New York Police Department on Tuesday announced that it has launched a citywide bicycle safety plan in response to an increase in cyclist deaths this year, including three in the past week.

Officers will step up enforcement of vehicles that speed, run red lights or fail to yield to pedestrians, NYPD officials said. They will also increase the ticketing of drivers who are texting or talking on their phone without a headset, the officials said.

NYPD Commissioner James O'Neill also said at an unrelated press conference Tuesday that officers will also make sure bike lanes are clear of vehicles, especially police cars. Officers caught using bike lanes illegally may face a variety of internal administrative consequences, such as a reprimand from a supervisor or a disciplinary letter, he said.

"It is a congested city, there's no doubt about it," Commissioner O'Neill said. "But we're the ones responding to calls, and we're the ones who have to be responsible also."

The enforcement will run through July 21. It was enacted Monday afternoon, shortly after cyclist Devra Freeland, 28 years old, was killed when a cement truck driver struck her, as she rode her bike in Brooklyn. She's the 15th cyclist to be killed in New York City so far this year, city data showed. There were 10 cycling deaths in the city for all of 2018, according to the data.

"We absolutely have an emergency on our hands," Mayor Bill de Blasio said Monday night during a television interview.

The city's Department of Transportation will release a separate cyclist safety plan in the next two weeks, he said.

"Last year was the safest year on record—and we have to keep pushing the envelope and increasing our efforts until we achieve Vision Zero," Mr. de Blasio said in a statement released Monday.

Mr. de Blasio unveiled a traffic safety plan in 2014 called Vision Zero with the goal of reducing traffic fatalities across the city. There was a record low 202 motor-vehicle deaths in 2018, compared with 222 in 2017. But pedestrian deaths rose by 7% in 2018 to 115 from 107 the year earlier, city data showed.

Cyclist deaths have fluctuated in the past six years. In 2013, 12 cyclists were killed. The number rose to 20 in 2014, then went down to 14 the following year. In 2017, 24 cyclists were killed.

Street-safety activists said the city needed to make a bigger investment in bike lanes and street design.



“New Yorkers on bikes are being killed at a record rate,” Marco Conner, the interim executive director of Transportation Alternatives, said in a statement.

“It is clear that Vision Zero is in a state of emergency and Mayor de Blasio is in denial about his signature program faltering under his neglect.”

<https://www.wsj.com/articles/nypd-steps-up-traffic-enforcement-after-cyclist-deaths-11562103918>

## Politico: On BQE megaproject, mayor’s group borrows from Cuomo playbook

By Dana Rubinstein

July 2, 2019 5:48 PM

The group of experts with platinum credentials that Mayor Bill de Blasio tasked with solving a politically nightmarish transportation problem appears to be taking a page from the mayor's frequent rival, Gov. Andrew Cuomo — who's faced his own share of transportation tribulations.

The de Blasio task force is actively looking for a shorter-term solution to repair — rather than fully rebuild — the three-level portion of the Brooklyn-Queens Expressway that carries 150,000 vehicles a day along the borough's waterfront and supports the Brooklyn Promenade.

The approach echoes Cuomo’s decision to nix the MTA’s original plans to fully rebuild the dilapidated L-train tube between Brooklyn and Manhattan and instead undertake a less comprehensive approach. Experts said the governor's plan was unlikely to last as long as the original one, but that it would discomfit fewer people in the short term.

Two BQE task force participants said members of the group openly talk about the similarities between the task force’s approach and Cuomo’s MTA L-train gambit.

“It’s very like the L-train thing,” said one, requesting anonymity to speak freely. “It’s the same kind of conversation, between the engineer technocrats and the political people. The task force is looking at shorter-term solutions, like can you repair it instead of replace it.”

The notion of a shorter-term solution is apparently predicated on the idea that a full-scale BQE cantilever may not be needed in the future, thanks to new technologies and changing traffic patterns.

Carlo Scissura, the task force’s chair and president of the New York Building Congress, declined to comment substantively on the matter.

But Nick Sifuentes, the executive director of the Tri-State Transportation Campaign, said the similarities were noteworthy and possibly concerning.

“It’s kind of a wait-and-see approach,” he said. “We’re going to have to wait 20 years and see if it falls apart or not.”

In January, Cuomo overturned the MTA’s long-held plans to close the L-train tunnel down for more than a year and rebuild it so that it could last another century. Relying on a team of outside experts, he instead had the MTA move forward with a plan to coat the tunnel’s deteriorating duct banks with fiber reinforced polymer, abandon the old conduit inside them and rack new conduit along the tunnel walls. Thanks to the more limited scope, the MTA would only have to close half the tunnel at a time, and then only on nights and weekends.

The political advantages of the Cuomo approach were obvious. He emerged as the heavy-handed savior of Brooklynites alarmed by the prospect of diminished transportation options.

But there were also potential downsides.

New York City Transit President Andy Byford [said](#) the new solution could last some 40 years, about half as long as the original repair plan.

A consulting engineer on the project told the MTA board something similar.

"It certainly would have been advantageous for long-term service life to completely tear out the duct banks and completely replace them," said WSP engineer Mike Abrahams in January. "There are certainly service-life advantages to doing that."

Like the MTA, the city's Department of Transportation wanted to do a full-scale rebuild of the so-called triple cantilever that separates Brooklyn Heights from Brooklyn Bridge Park and undergirds the Promenade.

Its proposed solution would have given the cantilever another century, according to the task force. It also would have been a political disaster for the de Blasio administration.

When de Blasio's transportation commissioner, Polly Trottenberg, unveiled the administration's plans in [September](#), she warned they could prove akin to Boston's notorious "Big Dig."

But she also said that if substantial rehabilitation were not undertaken, the highway would no longer be able to support trucks by the mid 2020s. They would instead flood local streets.

The news prompted a political firestorm in well-connected and well-resourced Brooklyn Heights — largely because the plan also called for replacing the Brooklyn Promenade with a six-lane highway for several years. Neighbors banded together to hire lobbyists and political consultants. They won allies and publicized alternative ideas.

In April, de Blasio punted the issue to a panel of experts, and named Scissura its chair. Its work is, by several accounts, substantive and ongoing. Its recommendations, which will be advisory, were supposed to emerge by the summer, though that timeline has since been pushed back.

Last week, Scissura publicly said the city's original plan was essentially a non-starter. He also suggested [a locally produced plan](#) — one that would require a roadway incursion into Brooklyn Bridge Park — was also effectively dead.

"The reality is the plans have a tough shot ahead of them, and I think there's really very little interest on the panel in pursuing that, to be quite honest," he told POLITICO this week.

When asked about the L-train comparison, Scissura demurred.

"I am not going to discuss anything that we do in terms of looking at this project and other things that are out there," he said.

<https://www.politico.com/states/new-york/city-hall/story/2019/07/02/on-bqe-megaproject-mayors-group-borrows-from-cuomo-playbook-1085669>

## City & State: How New York City is insuring the undocumented

By Rebecca C. Lewis

July 2, 2019

As New York has extended health insurance coverage to a growing share of its population, one group has traditionally been left out: immigrants living in the country illegally.

Now, New York City is taking steps to improve health care for immigrants, particularly for those who are undocumented, through a recently introduced program. But there is still room for improvement, advocates say, most notably by expanding the network of providers.

In January, Mayor Bill de Blasio unveiled NYC Care, a new program meant to provide access to health care for people who are

ineligible for insurance – including undocumented immigrants. Those who enroll in the plan will get an NYC Care card, a primary care doctor and access to a network of information, all through New York City Health + Hospitals, the city’s public hospital system.

NYC Care largely publicizes existing services already available through Health + Hospitals, which is obligated to treat anyone who walks in their door and provides a sliding scale payment option for those without insurance. The program also calls for hiring more doctors and service staff to accommodate more patients, with \$25 million allocated in the latest city budget and an expectation that \$100 million a year would be needed going forward. Health + Hospitals President and CEO Mitchell Katz has characterized the program as improving customer service in order to get more people to seek preventive care rather than waiting until a problem is bad enough to require a trip to the emergency room.

Max Hadler, director of health policy at the New York Immigration Coalition, said the program, which is set to roll out in the Bronx in August and citywide by the end of 2020, is a step in the right direction. “There’s a number of different ways in which NYC Care can improve access, in some cases by improving the actual coordination of care, and in some cases by doing a more concerted effort to get the word out about services that are already available but that many people may not be aware of or fear using because of all the negative messaging coming from Washington,” Hadler said.

Even before the introduction of NYC Care, the city had mechanisms to serve uninsured communities thanks to the city’s municipal hospital system, which is the largest in the nation. Becca Telzak, director of health programs at Make the Road New York, said she hopes NYC Care’s increased capacity would help remove barriers to care. “I think it’s hard for people to get appointments. It’s hard to then, once they go for primary care, be connected to all the other services they need,” Telzak said. “And then I think at that point, people just kind of give up and stop going.”

NYC Care comes after a short-lived pilot called Action Health NYC in 2015. About 1,300 immigrants enrolled in the health care access program, which was hailed as a success. Hadler said NYC Care seems to be modeled on Action Health, but differs in a significant way. “Action Health NYC was a very, very small one-year pilot that got pretty unceremoniously discontinued from one day to the next,” Hadler said. “NYC Care is being positioned as a full-scale, citywide, permanent program.”

That is not to say the initiative does not have room for improvement. While Telzak said NYC Care reflects many of the positive aspects of Action Health NYC, it falls short in one key aspect: excluding federally qualified health centers, or community health centers, as part of its network.

As it stands, NYC Care is strictly a Health + Hospitals program. Enrollees will only be able to visit hospitals and clinics within the public hospital system. While Health + Hospitals has 11 hospitals and seven health centers across the five boroughs, many undocumented immigrants use and have relationships with the city’s 41 community health centers that focus on primary care.

New York City Councilman Mark Levine, who chairs the Health Committee, said he is planning to introduce legislation to build on NYC Care by expanding the program to include community health centers. He said now that budget negotiations are over, he wants to focus on improving health care for undocumented immigrants and hopes to plan a hearing in the near future. “(Community health centers) should be, really, the backbone of this program, as they were in the pilot that New York City ran, Action Health, in 2015,” Levine told City & State.

Although New York City has a fairly low rate of uninsured residents, immigrants are disproportionately those without insurance. According to 2017 census data, only 7.3% of residents don’t have insurance, or just over 615,000 people. However, 12.3% of immigrants are uninsured, a number that increases to 21.5% among noncitizens. The census does not currently inquire about a person’s immigration status, meaning that the noncitizen population also includes legal U.S. residents.

Undocumented immigrants are one of the few groups of people who have not benefited from statewide efforts to insure more people. About 38% of the state’s population has public insurance through Medicaid and Medicare, and 49% receive health insurance through work. While New York has helped insure those that don’t fall into those two categories through its health care marketplace and the low-cost, state-run Essential Plan, that does not help undocumented immigrants. They don’t qualify for the Essential Plan or the New York City-run MetroPlus health insurance plan, and can’t buy private insurance on the marketplace. Though they may be able to get some coverage through Medicaid under specific circumstances, it is not a viable option either.

In the absence of state action to institute single-payer health care or directly fund insurance for undocumented immigrants, access to care programs like NYC Care are really the only way for municipalities like New York City to address health care disparities.

“There are limited things the city can do and NYC Care is a really good move toward exercising the options available,” Hadler said.

“The state is really failing on immigrant health right now. And the state has the option, and I think ultimately, the obligation, to step up as well.”

<https://www.cityandstateny.com/articles/policy/immigration/how-new-york-city-is-insuring-the-undocumented.html>

## Attorney General

### Census Citizenship Question

NY Times: 2020 Census Won't Have Citizenship Question as Trump Administration Drops Effort

Bloomberg News: Trump Abandons Fight for Citizenship Question on 2020 Census

Politico: Census to leave citizenship question off 2020 questionnaire

Associated Press: 2020 Census to be printed without citizenship question

Reuters: U.S. Census forms to exclude citizenship question -NY attorney general

Reuters: Trump administration retreats on census citizenship question

Politico: NRA meltdown has Trump campaign sweating

Roll Call: Citizenship question dropped from the 2020 census

Fox News: DOJ says citizenship question being dropped from 2020 Census: NY attorney general's office

CNN: Trump administration won't ask about citizenship on census

CNN Newsource: 2020 census to be printed without citizenship question, DOJ says

Law360: Trump Admin. Drops Citizenship Question From 2020 Census

USA Today: Trump administration begins printing 2020 census without citizenship question, signaling end of court battle

New York Law Journal: After SCOTUS Loss, Trump Administration Pulls Citizenship Question From Census

International Business Times: 2020 US Census Drops Citizenship Question, Trump Administration Confirms

Queens Chronicle: Citizenship question out of 2020 Census: officials

SF Gate: Update: State, City Lawyers Hail Decision To Drop Census Citizenship Question

Ops Lens: Trump Shamefully Climbs Down on Census Citizenship Question

Manhattan Times: Quitting on the Question

France 24: Trump says 'sad time' after controversial census change abandoned

### Twitter Exchange

NY Times: Trump vs. N.Y.: Fact-Checking His Claims of 'Harassment' by the State

Roll Call: Trump suggests 'this crew' of 2020 Dems poised to use dirty tricks against him

NBC News: 'Harassment': Trump rails against NY Dems for investigation into NRA

Bloomberg News: Trump predicts NRA will move to Texas to flee New York 'Harassment'

The Hill: Trump: People are fleeing New York for Texas, Florida

Fox News: Trump says New York legal 'harassment' forcing businesses to flee, NRA may be next

Raw Story: Trump lashes out at probes of his family business: "First they tax you — then they sue you"

ABC News 10: President enters a war of words on Twitter with NY officials

Newsweek: NRA TELLS DONALD TRUMP THANKS, BUT NO THANKS AFTER HE SAYS THE GUN-RIGHTS GROUP SHOULD FLEE NEW YORK FOR TEXAS

USA Today: Trump accuses New York Gov. Cuomo of using attorney general to target his businesses

Newsday: Trump's charity was exposed and closed, and now he decries wider NY probes

NY Daily News: Trump trashes New York for high taxes — plus 'harassment' of him

Newsday: Donald Trump: Robert Mueller 'must' stick to report in House testimony

Daily Mail: Trump defends 'great' NRA amid turmoil and fleeing leadership as he dares gun group to move from New York to Texas to escape Democrats' 'harassment'

Newsmax: Trump: People 'Fleeing New York' For Texas Over NRA, Taxes

IJR News: POTUS Claims People Are 'Fleeing' New York Like 'Never Before' — Points to AG 'Harassment'

Statesman: Trump praises Texas, slams New York

#### Brompton Heights Assisted Living

Spectrum News: 4 Charged, Fired from Brompton Heights Facility After Patient Walks Out

WGRZ: Four employees of Amherst assisted living facility facing charges

#### CFPB Overdraft Fees

Reuters: U.S. states urge CFPB not to dilute rule that limits bank overdraft fees

Daily Gazette: New York AG opposes changes to federal overdraft rules

Mobile Payments Today: NYS leads 25 state AGs opposing CFPB changes to bank overdraft rules

#### Debt Collection Scheme

Big News Network: New York debt collectors banned permanently after swindles

#### Megamerger

Benzinga: Faber: T-Mobile, Dish A Step Closer To Finalizing Divestiture

#### Jack'd

Urban CNY: Attorney General James Announces Settlement with Dating App for Failure to Secure Private and Nude Photos

Naked Security: Dating app Jack'd fined \$240K for leaving private photos up for a year

#### Conscience Rule

Health Affairs: Provider Conscience Rule Delayed Due To Lawsuits

#### Diversity & Inclusion Office

Urban CNY: Attorney General James Announces Creation of Diversity and Inclusion Office

Queens Daily Eagle: AG James creates first-ever Diversity and Inclusion Office

Above The Law: Celebrating Champions Of Diversity And Inclusion In The Legal Profession

Manhattan Times: AG creates diversity and inclusion office

#### LexisNexis

Law360: States Reach \$6M Deal With LexisNexis Over Withheld Fees

#### Other

NY Times: N.R.A. Donor Directs a Revolt Against a 'Radioactive' Leader

AM New York: New York tenants worry new blacklist ban won't be enforced

Law 360: Bitfinex Returns \$100M To Tether Amid NY AG Proceeding

Crain's New York Business: Medallion fiasco mirrors housing crash, but response doesn't

Urban CNY: Governor Cuomo Calls on DFS to Investigate Claims that Advertisers Use Facebook Platform to Engage In Discrimination

SC Magazine: New York Legislature passes bill that toughens breach notification standards

Chabad.org: Criminal Justice Summit at Columbia Inspired by the Rebbe's Teachings

#### National

Washington Post: House Democrats sue Trump administration over president's tax returns

Talking Points Memo: What Exactly Is Going On With Mike Pence's Abrupt Return To The White House?

Washington Post: A Facebook group for border agents was rife with racism and sexism. Now DHS is investigating.

Politico: Trump, RNC rake in massive \$105 million second-quarter haul

Associated Press: Trump to hold 2020 rally on day of Mueller's testimony

#### State

Rochester Democrat & Chronicle: Audit finds poor planning cost New York millions. But there's more to the story.

Times Union: 'Fair elections' panel to be appointed by end of week

Crain's New York Business: Cuomo debuts Brooklyn state park named for iconic congresswoman

City & State: Where are New York's sanctuary cities?

#### Local

Wall Street Journal: New York City Steps Up Traffic Enforcement After Cyclist Deaths

Politico: On BQE megaproject, mayor's group borrows from Cuomo playbook

City & State: How New York City is insuring the undocumented

## Attorney General

### Census Citizenship Question

NY Times: 2020 Census Won't Have Citizenship Question as Trump Administration Drops Effort  
By Michael Wines



July 2, 2019

WASHINGTON — The Trump administration, in a dramatic about-face, abandoned its quest on Tuesday to add a citizenship question to the 2020 census, a week after being blocked by the Supreme Court.

Faced with mounting deadlines and a protracted legal fight, officials ordered the Census Bureau to start printing forms for next year's head count without the question.

The decision was a victory for critics who said the question was part of an administration effort to skew the census results in favor of Republicans. It was also a remarkable retreat for an administration that typically digs into such fights.

Just last week after the Supreme Court's decision, President Trump said he was asking his lawyers to delay the census, "no matter how long," in order to fight for the question in court. He reiterated his unwillingness to give up [in a Twitter message posted late Tuesday](#), saying he had asked administration officials "to do whatever is necessary" to get a citizenship question on the census form.

Word of the administration's decision to stop fighting came in a one-sentence email from the Justice Department to lawyers for plaintiffs in a New York lawsuit that sought to block the question's inclusion in the head count.

The email offered no explanation, but the administration was confronting weeks or months of additional legal challenges to the question. Meanwhile, the Census Bureau had said it needed to begin printing questionnaires by July 1 to meet the April 2020 deadline for conducting the census.

The administration's decision appeared to end a yearlong battle over the country's all-important decennial head count. Census results are used to divvy up seats in the House of Representatives and to draw political maps at all levels of government. They are also used to allot federal funding for key social services.

The addition of a citizenship question to the census could have had profound implications for American politics. Officials at the Census Bureau itself have said that including the question would lead to an undercount of noncitizens and minority residents. As a result, areas with more immigrants, which tend to vote Democratic, could have lost both representation and federal funding.

[The Supreme Court last week](#) rejected the administration's stated reason for adding a question on citizenship to the census, and while the decision was not a conclusive ruling, the justices placed a daunting hurdle before the government.

Commerce Secretary Wilbur Ross said in a statement on Tuesday night that he respected the Supreme Court, but strongly disagreed with its ruling.

"The Census Bureau has started the process of printing the decennial questionnaires without the question," he said. "My focus, and that of the Bureau and the entire Department is to conduct a complete and accurate census."

Dale Ho, director of the Voting Rights Project at the American Civil Liberties Union, which was among the plaintiffs trying to block the question, praised the outcome, saying the Supreme Court left the administration with "no choice but to proceed with printing the 2020 census forms without a citizenship question."

As drafted by the administration, the census would have asked: "Is this person a citizen of the United States?" Options were to include: "Yes, born in the United States"; "Yes, born in Puerto Rico, Guam, the U.S. Virgin Islands, or Northern Marianas"; "Yes, born abroad of U.S. citizen parent or parents"; "Yes, U.S. citizen by naturalization"; or "No, not a U.S. citizen."

For the last year, there has been a bitter legal battle over whether the Commerce Department broke the law when it decided in March 2018 to tack a citizenship question onto the census, long after other aspects of the questionnaire had been finalized.

The department, which oversees the Census Bureau, had argued that the Justice Department needed a more accurate count of citizens to enforce the 1965 Voting Rights Act, but three lower courts ruled that that was an obvious pretext for some other unstated goal.

The department's explanation was further undermined last month after plaintiffs uncovered computer files [from a deceased Republican political strategist](#), Thomas B. Hofeller, who had first urged the incoming Trump administration in 2016 to consider adding the question to the next census.

The files included a study in which Mr. Hofeller concluded that a citizenship question was central to a strategy to increase Republican political power by excluding noncitizens and persons under voting age from the census figures used for drawing new political boundaries in 2021.

The disclosure led to the reopening of one of the lawsuits opposing the question, and plaintiffs were scheduled to begin new efforts this month to prove that the question was an effort to discriminate against Hispanics for political gain.

On Tuesday, the Mexican American Legal Defense and Educational Fund, which represents plaintiffs in that suit, indicated that it was unwilling to end the lawsuit without further assurances from the administration that the issue of the citizenship question had in fact been fully resolved.

Thomas A. Saenz, the organization's president and general counsel, said his group wanted to make sure there was not any misinformation spread about there still being a citizenship question.

"No matter what happens, there's still a lingering hardship from how long the administration had this hanging out there, and the publicity it got," he said.

Opposition to the citizenship question was rooted among local governments and advocacy groups representing ethnic minorities, all of whom feared that the question's mere presence on the census would deter noncitizens and even legal immigrants from filling out the form for fear of government retaliation.

The groups' victory on Tuesday may have eased that threat, but hardly eliminated it. The public controversy over the issue has already stirred fears of retribution among many immigrants, who say they will avoid filling out the census form even if the question is not asked.

"Now is the time to shift gears and begin robust education and outreach campaigns to ensure each person in this country is counted," said Letitia James, the attorney general of New York, which was also among the plaintiffs suing to block the question. "Everyone counts, therefore everyone must be counted."

<https://www.nytimes.com/2019/07/02/us/trump-census-citizenship-question.html>

## Bloomberg News: Trump Abandons Fight for Citizenship Question on 2020 Census

By Erik Larson and Greg Stohr

July 2, 2019 4:55 PM

The Trump administration abandoned its hard-fought plan to add a citizenship question to the 2020 census after the U.S. Supreme Court challenged its purpose, a win for immigrant-rights groups and Democrats who claimed the query was designed to dilute their power.

The move is a sharp reversal for President Donald Trump, who said last week that he'd explore ways to delay the census after the Supreme Court put the plan on hold. In a 5-4 ruling, the court said Commerce Secretary Wilbur Ross's stated rationale for including the question was "contrived" and couldn't be squared with the evidence about his true motivations.

"I respect the Supreme Court but strongly disagree with its ruling regarding my decision to reinstate a citizenship question on the 2020 Census," Ross said in a statement Tuesday. "The Census Bureau has started the process of printing the decennial questionnaires without the question."

"Today's news is a victory for New York State, for America, and for every single person in this nation," New York Attorney General Letitia James, who led a coalition of states in suing over the question, said in a statement.

Opponents claimed that the citizenship question sought to reduce immigrants' participation in the survey and that administration officials hid their true aim of boosting Republican and white voters. Ross said the goal was to help the Justice Department enforce the Voting Rights Act, which protects minority voters.

In its ruling last week, the high court said the administration needed to put forward a rationale for the question that could pass legal muster.

The U.S. Constitution requires a census every 10 years, and census day is set by federal law as April 1. The administration has said the 2020 census questionnaire needed to be ready for printing by June 30.

The Census Bureau's chief scientist concluded the question would cause more than 2 million households, representing about 6.5 million people, to fail to respond to the census questionnaire. The bureau said statistical modeling techniques could use existing government data to produce more accurate citizenship information.

The court battle took an unusual twist in recent weeks when it emerged that a Republican redistricting consultant had played a significant role in the decision to add the query. The late consultant, Thomas Hofeller, concluded in a 2015 study, commissioned by the conservative website Washington Free Beacon, that adding a citizenship question would hurt Democrats and help "Republicans and non-Hispanic whites" in redistricting, according to the New York Immigrant Coalition, which was among the plaintiffs in the case.

Democrats celebrated the decision.

"Moving forward with the 2020 Census without the citizenship question brings us a step closer to a full and accurate count," Representative Carolyn Maloney of New York, who heads the House Census Caucus, said in a statement.

The Constitution requires a decennial census -- or an "actual Enumeration" -- but doesn't provide any guidance about what information should be collected. Census-takers started asking about citizenship in 1820 but haven't posed the question to every household since 1950.

<https://www.bloomberg.com/news/articles/2019-07-02/u-s-drops-fight-to-add-census-citizenship-question-n-y-says>

Politico: Census to leave citizenship question off 2020 questionnaire

By Ted Hesson

July 2, 2019 5:23 PM

The Census Bureau will not include a question about citizenship in the printed questionnaire for the 2020 census, Commerce Secretary Wilbur Ross confirmed Tuesday.

The decision represents a major defeat for the Trump administration five days after the Supreme Court [refused to allow](#) the question to be added without further explanation from Census officials. Chief Justice John Roberts sided with the court's liberal wing last week in a surprising decision that sent the case back lower courts for further review.

It was an instance of the Trump administration suffering serious consequences from another branch of government for being less than truthful. Roberts said in his decision that the Commerce Department's explanation for including the question was "incongruent with what the record reveals about the agency's priorities and decision-making process." By delaying resolution of the matter, the high court apparently forced the Census Bureau, which faced a tight deadline, to proceed without the citizenship question.

But it remained uncertain whether the citizenship question might resurface in a digital 2020 questionnaire to be prepared at a later date. Sarah Brannon, an attorney with the American Civil Liberties Union, which represented plaintiffs in a related New York case, said it would likely not. "It is my understanding," she said, "that the paper and digital form must be the same."

In a statement about the administration's decision to publish the questionnaire without the citizenship question, Ross said, "I respect the Supreme Court but strongly disagree with its ruling regarding my decision to reinstate a citizenship question on the 2020 Census. ... My focus, and that of the bureau and the entire department, is to conduct a complete and accurate census."

The Justice Department said during litigation that the Census Bureau faced a June 30 deadline to finalize printed questionnaires. One Census official later suggested the process could be delayed until the end of October, but that such a move would require "exceptional effort and additional resources."

The decision to proceed with printing questionnaires may signal a detente in the lengthy legal and political battle over adding the question to the 2020 count.

The stakes were particularly high for states with high immigrant populations, like California, where officials warned for months that a citizenship question would fan fears of a government crackdown and suppress response rates. California Attorney General Xavier Becerra sued to block the question's inclusion, arguing his state would forfeit deserved federal funds.

In a triumphant press conference Tuesday, Becerra said that the decision to nix the question would ensure California gets its share of federal dollars to pay for schools, road repairs and disaster response.

"They made a concession to the truth and quite honestly to the rule of law," Becerra said, adding that "now the census will be free of the contrived attempt to silence so many people."

Following last week's Supreme Court's ruling, President Donald Trump thrust the process into uncertainty when he threatened to delay the census.

"Seems totally ridiculous that our government, and indeed Country, cannot ask a basic question of Citizenship in a very expensive, detailed and important Census," [Trump tweeted](#) Thursday. "I have asked the lawyers if they can delay the Census, no matter how long," he wrote, "until the United States Supreme Court is given additional information from which it can make a final and decisive decision on this very critical matter."

On Monday, [Trump again warned](#) that he might delay the census, saying that the U.S. needed to know "if somebody is a citizen as opposed to an illegal." (The citizenship question — even if it had been permitted on the census — would not have asked about legal immigration status.)

But the administration backed down Tuesday. News that the questionnaire would be printed without a citizenship question circulated on Twitter after a DOJ attorney confirmed the plan in an email to plaintiffs' attorneys.

"We can confirm that the decision has been made to print the 2020 Decennial Census questionnaire without a citizenship question, and that the printer has been instructed to begin the printing process," the DOJ attorney wrote.

New York led a coalition of states in one of several lawsuits that argued the question would depress responses in immigrant communities and in turn would lead to lower levels of federal funding and diminished political power.

The federal judge hearing that case, U.S. District Judge Jesse Furman, blocked the addition of the question in January, prompting the Trump administration to press the issue at the Supreme Court.

New York Attorney General Tish James said in a written statement Tuesday that "justice prevailed" and that efforts would now shift to outreach to ensure all residents are counted.

<https://www.politico.com/story/2019/07/02/census-wont-include-citizenship-question-on-2020-questionnaire-1395933>

Associated Press: 2020 Census to be printed without citizenship question

By Andrew Oxford

July 3, 2019 6:08 AM

Days after the U.S. Supreme Court halted the addition of a citizenship question to the 2020 Census, the U.S. Census Bureau has started the process of printing the questionnaire without the controversial query.

Trump administration attorneys notified parties in lawsuits challenging the question that the printing of the hundreds of millions of documents for the 2020 counts would be starting, said Kristen Clarke, executive director of the National Lawyers' Committee for Civil Rights Under Law.

Justice Department spokeswoman Kelly Laco confirmed Tuesday there would be "no citizenship question on 2020 census."

Commerce Secretary Wilbur Ross said that while he respected the Supreme Court's decision, he strongly disagreed with it.

"The Census Bureau has started the process of printing the decennial questionnaires without the question," Ross said in a statement. "My focus, and that of the Bureau and the entire Department is to conduct a complete and accurate census."

President Donald Trump had said after the high court's decision last week that he would ask his attorneys about possibly delaying next spring's decennial census until the Supreme Court could revisit the matter, raising questions about whether printing of the census materials would start as planned this month.

For months, the Trump administration had argued that the courts needed to decide quickly whether the citizenship question could be added because of the deadline to starting printing materials this week.

On Twitter Tuesday night, Trump wrote that the Supreme Court ruling marked a "very sad time for America." He also said he had asked the Commerce and Justice departments "to do whatever is necessary to bring this most vital of questions, and this very important case, to a successful conclusion." He did not elaborate.

Even though the Census Bureau is relying on most respondents to answer the questionnaire by Internet next year, hundreds of millions of printed postcards and letters will be sent out next March reminding residents about the census, and those who don't respond digitally will be mailed paper questionnaires.

"The Supreme Court's ruling left little opportunity for the administration to cure the defects with its decision to add a citizenship question and, most importantly, they were simply out of time given the deadline for printing forms," Clarke said in an email.

Opponents of the citizenship question said it would discourage participation by immigrants and residents who are in the country illegally, resulting in inaccurate figures for a count that determines the distribution of some \$675 billion in federal spending and how many congressional districts each state gets.

The Trump administration had said the question was being added to aid in enforcement of the Voting Rights Act, which protects minority voters' access to the ballot box. But in the Supreme Court's decision, Chief Justice John Roberts joined the court's four more liberal members in saying the administration's current justification for the question "seems to have been contrived."

Democratic mayors and governors opposed to the question argued that they'd get less federal money and fewer representatives in Congress if the question was asked because it would discourage the participation of minorities, primarily Hispanics, who tend to support Democrats.

Attorneys general for two of the largest states controlled by Democrats praised the decision to abandon the citizenship question.

"While the Trump Administration may have attempted to politicize the census and punish cities and states across the nation, justice prevailed, and the census will continue to remain a tool for obtaining an accurate count of our population," said New York Attorney General Letitia James.

While praising the question's disappearance, California Attorney General Xavier Becerra warned that the Trump administration had underfunded the Census Bureau, making it difficult to count hard-to-reach communities.

"It's an investment of time and resources that we have not seen, and this administration is dragging its feet," Becerra said.

Top congressional Democrats hailed Tuesday's news. House Speaker Nancy Pelosi called it "a welcome development for our democracy," while Senate Minority Leader Chuck Schumer promised his party "will be watching the Trump administration like a hawk to ensure there is no wrong-doing throughout this process and that every single person is counted."

Dale Ho, who argued the Supreme Court case as director of the American Civil Liberties Union's Voting Rights Project, said, "Everyone in America counts in the census, and today's decision means we all will."

<https://whnt.com/2019/07/03/2020-census-to-be-printed-without-citizenship-question/>

Reuters: U.S. Census forms to exclude citizenship question -NY attorney general

By Karen Friefeld and Eric Beech

July 2, 2019

WASHINGTON, July 2 (Reuters) - The 2020 U.S. Census will begin printing forms that do not include the citizenship question that the Trump administration had sought, New York's attorney general said on Tuesday.

An official in the office of New York Attorney General Letitia James told Reuters the U.S. Justice Department had informed them that the Census forms would exclude the citizenship question.

<https://finance.yahoo.com/news/u-census-forms-exclude-citizenship-210127815.html>

Reuters: Trump administration retreats on census citizenship question

By Karen Freifeld and Andy Sullivan

July 2, 2019 5:07 PM



In a stinging defeat for President Donald Trump, his administration ended its effort to add a citizenship question to the 2020 U.S. census, saying that it will begin printing forms that do not include the contentious query.

But, nevertheless, Trump later indicated he would still try to get the "most vital" question included on the questionnaire.

White House and Justice Department officials confirmed the decision to end the effort to add the question, which came in the aftermath of a Supreme Court ruling on June 27 that faulted the administration for its original attempt to add it.

"I respect the Supreme Court but strongly disagree with its ruling regarding my decision to reinstate a citizenship question on the 2020 census," Commerce Secretary Wilbur Ross said in a statement.

"The Census Bureau has started the process of printing the decennial questionnaires without the question. My focus, and that of the bureau and the entire department, is to conduct a complete and accurate census," Ross said.

Although the Supreme Court left open the possibility of the administration adding the question, there was little time left for the government to come up with a new rationale.

The government had said in court filings that it needed to finalize the details of the questionnaire by the end of June.

After the ruling, Trump tweeted that he was consulting lawyers about delaying the census so that the question could be added.

In a late night tweet on Tuesday, Trump said, "I have asked the Department of Commerce and the Department of Justice to do whatever is necessary to bring this most vital of questions, and this very important case, to a successful conclusion. USA! USA! USA!"

Critics have called the citizenship question a Republican ploy to scare immigrants into not taking part in the population count and engineer an undercount in Democratic-leaning areas with high immigrant and Latino populations. That would benefit non-Hispanic whites and help Trump's fellow Republicans gain seats in the U.S. House of Representatives and state legislatures, the critics said.

"In light of the Supreme Court's ruling, the Trump administration had no choice but to proceed with printing the 2020 census forms without a citizenship question. Everyone in America counts in the census, and today's decision means we all will," said Dale Ho, a lawyer with the American Civil Liberties Union, which had fought the Trump administration in court.

NOT INCLUDED SINCE 1950

The Trump administration had told the courts that its rationale for adding the question was to better enforce a law that protects the voting rights of racial minorities. Critics called that rationale a pretext, with the Supreme Court's majority embracing that theory.

The court's 5-4 ruling, which saw conservative Chief Justice John Roberts join the court's four liberals in the majority, ultimately proved decisive.

“While the Trump Administration may have attempted to politicize the census and punish cities and states across the nation, justice prevailed, and the census will continue to remain a tool for obtaining an accurate count of our population,” said New York Attorney General Letitia James, who also challenged the question.

The census is used to allot seats in the U.S. House of Representatives and distribute some \$800 billion in federal funds. Opponents have said the citizenship question would instill fear in immigrant households that the information would be shared with law enforcement, deterring them from taking part.

Citizenship status has not been asked of all households since the 1950 census. Since then, it was included only on questionnaires sent to a smaller subset of the population.

Manhattan-based U.S. District Judge Jesse Furman ruled on Jan. 15 that the Commerce Department's decision to add the question violated the Administrative Procedure Act. Federal judges in Maryland and California also have issued rulings to block the question.

Furman said the evidence showed that Ross had concealed his true motives for adding the citizenship question and that he and his aides had convinced the Justice Department to request it.

Evidence surfaced in May that the challengers said showed the administration's plan to add a citizenship question was intended to discriminate against racial minorities.

<https://kfgo.com/news/articles/2019/jul/02/us-census-forms-to-exclude-citizenship-question-ny-attorney-general/>

Politico: NRA meltdown has Trump campaign sweating

By Alex Isenstadt

July 3, 2019 5:00 AM

The National Rifle Association aired an avalanche of TV ads and pushed its 5 million-plus members to the polls for Donald Trump in 2016, propelling him in the Rust Belt states that delivered him the presidency.

Now, the gun rights group is in total meltdown — and senior Republicans and Trump 2020 officials are alarmed.

In recent weeks, the NRA has seen everything from a failed coup attempt to the departure of its longtime political architect to embarrassing tales of self-dealing by top leaders. The turmoil is fueling fears that the organization will be profoundly diminished heading into the election, leaving the Republican Party with a gaping hole in its political machinery.

With the Chamber of Commerce and Koch political network withdrawing from their once-dominant roles in electing conservatives, Republicans worry that three organizations that have long formed the core of their electoral infrastructure will be effectively on the sidelines.

The predicament has so troubled some Republicans that they are calling on the famously secretive NRA to address its 2020 plans. Within the past week, senators have privately expressed concerns about the group to National Republican Senatorial Committee Chairman Todd Young.

"No organization has been more important to conservative voter education and engagement than the NRA. We all hope they're able to mount the kind of effort in the 2020 cycle they have in the past," said Gregg Keller, a former American Conservative Union executive director. "But in case they can't, given their current situation, I hope they're being forthright about that within the movement so others can pick up the slack."

"The situation," he added, "has folks nervous."

What makes the NRA such a potent force for Republicans, party officials said, are its reach into battlegrounds — such as Pennsylvania, Michigan, Wisconsin, North Carolina and Ohio — and the sway it holds with its members. The NRA's appeals play a critical role in turning out sportsmen, many of whom have paid dues to the organization for years and regard it as an important part of their lives.

Chris LaCivita, a national GOP strategist who's waged congressional and statewide campaigns in North Carolina, said he remains confident gun advocates will turn out to vote in 2020. But he said the NRA's problems could hobble its mobilization efforts.

"Infighting and accusations playing out almost daily in the national media regarding the NRA have not been helpful. Clearly it will have an impact in the NRA's ability to raise money, which would be used in elections to turn out its membership," LaCivita said.

With the organization mired in palace intrigue and confronting a daily barrage of negative publicity, some NRA officials are skeptical a 2020 plan will emerge. Many Republicans are convinced the job of turning out Second Amendment supporters will fall to the cash-flush Republican National Committee, which is constructing a massive get-out-the-vote and data machine devoted to turning out conservatives.

Jane Timken, chairwoman of the Ohio GOP, said her organization would work closely with the RNC to microtarget firearm owners. The national party, Timken noted, has compiled extensive voter data through sources ranging from gun licenses to gun magazine subscriptions.

Concerns over the NRA intensified last week after the resignation of Chris Cox, who had been the head of its lobbying arm since 2002. Cox was well-liked by NRA staff and board members and had deep relationships with major donors and many of the party's top strategists. He recently participated in 2020 planning meetings with the pro-Trump America First Action super PAC and the anti-tax Club for Growth. The groups discussed polling and opposition research, voter registration efforts, and ensuring smooth coordination.

With Cox gone, it's an open question who will oversee the NRA's 2020 strategy.

"Chris Cox is the guy everybody dealt with," said Steven Law, president of the Senate Leadership Fund, a super PAC closely aligned with Majority Leader Mitch McConnell.

Jason Ouimet, a director of federal affairs at the organization, is expected to assume Cox's role on an interim basis, a person familiar with the move confirmed. Ouimet's appointment, NRA officials said, is designed to temporarily stave off a mass staff exodus and calm both the organization's members and the broader conservative world.

NRA spokespeople did not respond to requests for comment.

The organization's troubles are hard to overstate. The most serious threat is an investigation by New York state attorney general's office into its tax-exempt status. In April, NRA President Oliver North was ousted in an ugly public spectacle in which he declared the group was in a "clear crisis." News organizations have also reported that NRA chief executive Wayne LaPierre used \$275,000 of the group's money to buy luxury clothes at Zegna in Beverly Hills, Calif., and that the organization logged tens of thousands of dollars in other expenses that benefited its officials.

Trump weighed in on the NRA's problems Tuesday morning, [tweeting](#) that the group is a "victim" of "political harassment by New York State and Governor Cuomo."

Ken Blackwell, an NRA board member who is active with an array of conservative groups, disputed the idea that Cox's departure and the subsequent turmoil would sideline the group in 2020. The NRA's turnout efforts, he said, were largely orchestrated at the state and local levels.

"Chris was good at what he did, but he was not the reservoir of ground action," Blackwell said. "This notion that there was someone sitting behind the green curtain in Washington driving the base turnout, it was a misnomer."

Others argued that with Democratic presidential candidates vowing to enact stricter gun control laws, firearm owners will be sufficiently motivated to keep Trump in office.

Issues surrounding the Republican Party's outside infrastructure go beyond the NRA. The Chamber of Commerce, a key player in Republican politics over the past decade, spent just \$10 million during the 2018 cycle, about a third of what it spent during the previous election cycle, according to the Center for Responsive Politics. The scale back has led many to believe the organization, a staple of the business community, is preparing to play a diminished role in 2020.

Other clues have emerged. In April, Chamber leaders told [The Washington Post](#) they were seeking to rebrand the organization as a bipartisan outfit. And in January, Rob Engstrom stepped down as national political director, a role the Chamber is in the process of filling. People familiar with the arrangement said Engstrom remains a consultant with the organization.

Scott Reed, the group's chief political strategist, denied the group is retrenching. This fall, he said, the Chamber would launch a multimillion-dollar effort to defend the Republican Senate majority.

"We will be spending money earlier this cycle on the Senate than we've ever spent in the 100-year history of the Chamber," he said.

Meanwhile, the Koch network is gradually shifting away from partisanship and toward policy issues like addressing poverty and drug addiction. The network, which like the Chamber has at times found itself at odds with the president, plans to sit out the 2020 presidential race and is recasting itself in a nonpartisan fashion.

Emily Seidel, chief executive of the Koch-backed Americans for Prosperity, penned a [memo](#) last month in which she announced the outfit is open to backing candidates from either party.

The new approach has rankled some longtime Koch donors, who complain the powerful network — which played a pivotal role in helping Republicans capture the Senate majority — is abandoning the GOP.

Koch officials dispute that they are pulling back, noting they've endorsed a handful of GOP senators who align with the network's goals. When the network gathered in Colorado Springs, Colo., over the weekend, its members were joined by a small group of Republicans facing reelection, including Kentucky Gov. Matt Bevin and Georgia Sen. David Perdue.

The uncertainty surrounding all three groups is likely to increase pressure on America First Action, a super PAC devoted to backing Trump.

"If a void needs to be filled in 2020, we will fill it and continue to work with those allies that are willing to step into the breach to help reelect Donald Trump," America first spokeswoman Kelly Sadler said..

To others, though, the developments are a potential sign of danger ahead. David McIntosh, the president of the Club for Growth and a former Republican congressman, said he was particularly troubled by the Koch network's decision to refocus its efforts. After Barack Obama's 2008 election, he noted, the network filled a vacuum by providing the devastated party with much-needed infrastructure.

"Right now, the party is functioning," McIntosh said. "But if you see another collapse or if we lose the White House, I think you're going to see Republicans frankly in a world of hurt without a major funding group like that."

<https://www.politico.com/story/2019/07/03/nra-guns-trump-campaign-1395970>

## Roll Call: Citizenship question dropped from the 2020 census

By Michael Macagnone

July 2, 2019 5:19 PM

The 2020 census will not include a citizenship question, the Justice Department said Tuesday, just days after the Supreme Court [blocked a plan by the Commerce Department](#) to add it to the census questionnaire.

Federal attorneys on Tuesday told litigants in the New York challenge to the case that it would not pursue the question. Justice Department spokeswoman Kelly Laco confirmed that the government will move ahead with printing census forms without it.

The retreat follows the Supreme Court's 5-4 decision last week, which it based on objections to the Commerce Department's reasoning for adding the question. President Donald Trump repeatedly threatened to delay the census to get the question approved.

He called the ruling "very unfortunate" at a press conference in Japan, saying it "wasn't a real decision."

Commerce Secretary Wilbur Ross said in a statement that the Census Bureau would be focused on conducting a "complete and accurate census" — without the citizenship question.

"I respect the Supreme Court but strongly disagree with its ruling regarding my decision to reinstate a citizenship question on the 2020 Census," Ross said.

Government attorneys told New York Attorney General Letitia James, the ACLU and other challengers to the question Tuesday that the administration would not attempt to continue the fight to add the question.

"We're glad the #2020Census will begin printing without a citizenship question. Enjoy your 4th of July," James tweeted.

Government attorneys repeatedly maintained in court, including arguments to the Supreme Court, that it had to finalize the census questionnaires by June 30. The government's printing contractor, RR Donnelley, has laid out a printing process for more than 1 billion documents.

During litigation over the question, a Census Bureau official said the bureau could proceed as late as Oct. 31 if it had additional resources.

Any delay to the process would endanger the ability to get the census ready on time, according to former Census Bureau Director Robert Groves, who oversaw the 2010 census. That year's census printing process used up the entirety of the commercial printing capacity in the United States, he said, a process that had to be scheduled and run on a clear timeline.

"It's not clear that you can change the time of the print job even if you wanted to. It is not like going to your local print shop," Groves said.

House Oversight and Reform Chairman [Elijah E. Cummings](#) said Tuesday he wants the administration to comply with subpoenas for documents underlying their decision to add the question. Last month the committee voted to hold Attorney General William Barr and Ross in contempt over the withholding of documents.

"The Trump administration put our country through more than a year of wasted time and squandered resources — all in the service of an illegal attempt to add a discriminatory question based on a pretext," Cummings, a Maryland Democrat, said in a statement.

<https://www.rollcall.com/news/whitehouse/citizenship-question-dropped-2020-census>

Fox News: DOJ says citizenship question being dropped from 2020 Census: NY attorney general's office

By Gregg Re

July 2, 2019

The [New York](#) attorney general's office said Tuesday [the Justice Department](#) has decided to print the 2020 Census without the citizenship question sought by the Trump administration, ending a contentious legal dispute over an issue that could soon affect the makeup of Congress and the Electoral College.

The Supreme Court [ruled last week](#) that the question couldn't be added for now, but left open the possibility that additional arguments could change its mind. Civil rights groups argued that the Trump administration's reasons for including the question were merely pretextual efforts to discourage illegal immigrants from responding to the Census.

Population counts from the Census are used to apportion House seats among the 50 states, and a new electoral map based on the Census will be in effect for the 2024 presidential election. States receive votes in the Electoral College equal to the number of members in their congressional delegation, counting both House and Senate seats.

In a tweet on Monday, Daniel Jacobson, who worked in the White House Counsel's Office under President Obama, said a trial attorney at the Justice Department told him that "the printer has been instructed to begin the printing process" without the citizenship question.

In a statement to Fox News, Commerce Secretary Wilbur Ross tied the decision to the Supreme Court's ruling.

"I respect the Supreme Court but strongly disagree with its ruling regarding my decision to reinstate a citizenship question on the 2020 Census," Ross said. "The Census Bureau has started the process of printing the decennial questionnaires without the question. My focus, and that of the Bureau and the entire Department is to conduct a complete and accurate census."

For his part, House Oversight Committee Chairman Elijah Cummings, D-Md., issued a less-than-celebratory statement calling for answers, even as he praised the decision to scrap the citizenship question.

"I am encouraged that Administration officials dropped President Trump's unconstitutional plan to postpone the Census just because he lost the Supreme Court case," Cummings said. "The Trump Administration put our country through more than a year of wasted time and squandered resources—all in the service of an illegal attempt to add a discriminatory question based on a pretext."

Cummings continued: "The Attorney General and the Secretary of Commerce must now turn over all of the documents our Committee has subpoenaed on a bipartisan basis."

Senate Minority Leader Chuck Schumer, D-N.Y., added, "The exclusion of the citizenship question from the census is a victory for our democracy and for fair representation of all communities in this country."

President Trump had tweeted that he had asked lawyers if the count can be delayed until the Supreme Court can reevaluate the matter, based on additional evidence supporting the administration's justifications for adding the citizenship question.

The Supreme Court, in its ruling last week, did not prohibit a citizenship question out of hand but dismissed the administration's provided rationale as insufficient.

However, Kristen Clarke, president and executive director of the Lawyers' Committee for Civil Rights Under Law, told Fox News on Tuesday that the Supreme Court was unlikely to change its mind. Clarke's team successfully challenged the Trump administration on the use of the citizenship question in federal court in California, and was one of several groups to bring such lawsuits.

"The Supreme Court's ruling left little opportunity for the administration to cure the defects with its decision to add a citizenship question and, most importantly, they were simply out of time given the impending deadline for printing forms," Clarke said.



Experts agreed that any delay could gum up the U.S. Census Bureau's finely calibrated timetable for the 10-year count. Monday was the deadline to start printing the 600 million documents that will be mailed to 130 million households for next April's census count.

For months, the Trump administration had argued that the courts needed to decide quickly whether the citizenship question could be added to the 2020 census because of the looming deadline.

"I think it's very important to find out if somebody is a citizen as opposed to an illegal," Trump told reporters Monday. "There's a big difference to me between being a citizen of the United States and being an illegal."

Former President Barack Obama's administration [didn't ask the citizenship question in the 2010 census](#). The citizenship question was last asked on the census in 1950, but beginning in 1970, a citizenship question was asked in a long-form questionnaire sent to a relatively small number of households, alongside the main census. In 2010, there was no long-form questionnaire.

"There is no credible argument to be made that asking about citizenship subverts the Constitution and federal law," Chapman University law professor and constitutional law expert John Eastman told Fox News.

From a logistical standpoint, any delay "would be a nightmare," said John Thompson, who served as Census Bureau director during Obama's second term.

The bureau already has been in the process of signing almost 250 office leases across the U.S. and has hired 1,500 specialists partnering with community organizations to encourage people to participate in the census. More than 170,000 recruits already have filled out applications for the almost half-million positions being created for the count. The bureau has helped set up more than 1,500 committees nationwide working to get everyone to respond.

Furthermore, Congress would have to change the law for the count to be delayed because Title 13 of the U.S. Code mandates that it take place on April 1, 2020, Thompson said.

"I don't think there's any ambiguity, but I'm not a lawyer," Thompson said.

Fewer people are expected to fill out the questionnaires using paper than in years past because the bureau for the first time is relying on most respondents to use the Internet to answer questions. Still, printed postcards and letters are to be sent out next March reminding residents it's time to answer the questionnaire, and those who don't respond digitally are expected to be mailed paper questionnaires.

As recently as last week, the Trump administration's solicitor general wrote in court papers that the Census Bureau needed to finalize the questions by June. Any changes to the paper questionnaire after June would impair the bureau's ability to conduct the count in a timely manner, wrote the solicitor general, Noel Francisco.

More than two dozen Democrats in the U.S. Senate last week sent a letter urging Ross to drop any further pursuit of the citizenship question because it would delay the bureau's ability to conduct the count.

"The 2020 Census is less than half a year away, and any unnecessary delay in operations would impact the ability of the Census Bureau to count every person in our country," the letter read.

"This is America," Daines told Fox News at the time. "We are a sovereign nation. It's absurd that we don't know how many citizens and non-citizens are living in this country. That's why I'm introducing this bill to require a citizenship question on the census - and ensure that states harboring millions of illegal immigrants are not rewarded with additional taxpayer dollars."

<https://www.foxnews.com/politics/doj-says-citizenship-question-being-dropped-from-2020-census-ny-attorney-generals-office>

CNN: Trump administration won't ask about citizenship on census

By Ariane de Vogue and Gregory Wallace

July 2, 2019 9:19 PM

The Trump administration said Tuesday that it will not ask about citizenship status on the [2020 census](#), backing off a contentious effort to reinstate the [question](#) over objections from opponents who successfully argued to the Supreme Court that it would disenfranchise minority groups.

Commerce Secretary Wilbur Ross, who originally directed the Census Bureau to add the question, said in a statement that he was moving ahead with printing the 2020 census despite his disagreement with the court's ruling last week.

"I respect the Supreme Court but strongly disagree with its ruling regarding my decision to reinstate a citizenship question on the 2020 Census," Ross said in a statement Tuesday. "The Census Bureau has started the process of printing the decennial questionnaires without the question. My focus, and that of the Bureau and the entire Department is to conduct a complete and accurate census."

The order to print came suddenly, surprising attorneys who had challenged the Trump administration.

As recently as Monday, President Donald Trump had said his administration was looking for ways to delay the once-a-decade tally so that the question could be included.

"We're looking at that very strongly," he told reporters at the White House.

Trump cited the census' key role in determining how government resources are spent.

"I think it's very important to find out if somebody is a citizen as opposed to an illegal," he said. "I think there's a big difference, to me, between being a citizen of the United States and being an illegal."

Trump also said last week he was looking at pushing a delay in the population count over the issue, which he's positioned as part of his broader crackdown on undocumented immigrants.

"I have asked the lawyers if they can delay the Census, no matter how long, until the United States Supreme Court is given additional information from which it can make a final and decisive decision on this very critical matter," he wrote on Twitter.

The government had initially said that Monday was the deadline to begin printing forms. As late as Monday afternoon, however, the administration asked a federal judge in Maryland for more time to decide how it would proceed following the Supreme Court decision.

On Tuesday afternoon, shortly before the rescheduled hearing was set to start, a Justice Department lawyer told plaintiffs the administration was moving ahead with printing.

"We can confirm that the decision has been made to print the 2020 Decennial Census questionnaire without a citizenship question, and that the printer has been instructed to begin the printing process," Kate Bailey, a trial attorney with the Justice Department, wrote in an email to [other attorneys involved in the case on Tuesday](#).

In the Maryland hearing, Judge George Hazel instructed the parties to put in writing by next week an agreement on how the census would move forward, according to the one of the plaintiffs in the case, the Mexican American Legal Defense and Educational Fund.

#### Supreme Court decision led to uncertainty

The outcome was uncertain until Tuesday because the Supreme Court ruling last week that blocked the question from appearing for the time being had left the door open for the administration to present a new rationale.

Since March 2018, Ross had justified the question as necessary to enforce voting protections, citing a request from the Justice Department. "We are responding solely to the Department of Justice's request," Ross testified before Congress.

Critics saw holes in that case with the disclosure that Ross himself had asked the Justice Department to send such a letter. Communications between Ross and White House officials about the question emerged, and Ross was seen writing to an aide, "I am mystified why nothing have (sic) been done in response to my months old request that we include the citizenship question. Why not?"

Most recently, challengers of the question presented an unpublished 2015 study by a Republican redistricting expert as evidence that citizenship data would benefit Republicans when new political boundaries are drawn based on the 2020 census.

The Supreme Court ultimately described Ross' explanation for including the question as "contrived" and "incongruent with what the record reveals about the agency's priorities and decision-making process."

The process of preparing a new justification was expected to take months, including a lengthy court review that could return to the Supreme Court, delaying the process of printing hundreds of millions of forms and other materials and preparing for the count.

Delaying the printing process is possible, but expensive, the Census Bureau's chief scientist told a court last year. He said it would be possible if "exceptional resources" are available. But a group of House Democrats signaled Tuesday they would not vote in favor of moving the census date.

"This is a victory on the eve of the Fourth of July we are celebrating equal justice for all," said New York Attorney General Letitia James, one of multiple states, cities and other groups to challenge the question in court.

Dale Ho of the American Civil Liberties Union, which was part of the New York case, said, "Everyone in America counts in the census, and today's decision means we all will."

Attorneys involved in the challenges said the court has given the government until Monday to negotiate written wording.

"We're happy about the development but want to make sure it is thorough and complete," said Thomas Saenz, president of the Mexican American Legal Defense and Educational Fund, which was among groups challenging the question.

He told CNN on Tuesday he was concerned that the administration might find other ways to undermine the count.

Even without the question on the census forms, it remains unclear if the Census Bureau will still publish a file of citizenship data when it releases the census results in early 2021. The bureau's chief scientist, John Abowd, said in May that regardless of the high court's decision, the bureau was operating as if it was still expected to produce the data using so-called administrative records compiled from government data.

If the bureau does so, it could set the stage for another legal battle over who counts for the purpose of drawing congressional districts.

The Census Bureau has not responded to a request for comment from CNN.

<https://www.cnn.com/2019/07/02/politics/doj-census-citizenship-question/index.html>

CNN Newsource: 2020 census to be printed without citizenship question, DOJ says  
By CNN Newsource

July 2, 2019 5:22 PM

The Justice Department has informed plaintiffs in the census case that it plans to print the 2020 census without a question about citizenship status.

"We can confirm that the decision has been made to print the 2020 Decennial Census questionnaire without a citizenship question, and that the printer has been instructed to begin the printing process," Kate Bailey, a trial attorney with the Justice Department, wrote in an email to other attorneys involved in the case on Tuesday.

The notice, which was confirmed by the Justice Department, follows the Supreme Court ruling last week that blocked the question from appearing for now, but left the door open for the administration to present a new rationale.

The court described Commerce Secretary Wilbur Ross' explanation for including the question as "contrived" and "incongruent with what the record reveals about the agency's priorities and decision-making process."

The process of preparing a new justification was expected to take months, including a lengthy court review that could return to the Supreme Court, delaying the process of printing hundreds of millions of forms and other materials and preparing for the count.

The government missed its Monday deadline to send the forms for printing.

"This is a victory on the eve of the Fourth of July we are celebrating equal justice for all. Everyone should be counted," New York Attorney General Letitia James said.

<https://www.wcpo.com/news/national/2020-census-to-be-printed-without-citizenship-question-doj-says>

## Law360: Trump Admin. Drops Citizenship Question From 2020 Census

By Dorothy Atkins

July 2, 2019 9:11 PM

The Trump administration told attorneys Tuesday it has dropped its proposed citizenship question from the 2020 census, days after the U.S. Supreme Court blocked the question and instructed the government to rectify discrepancies in its explanation for including it.

The U.S. Department of Justice informed counsel for plaintiffs challenging the citizenship question that the government was going to begin printing the census questionnaire without the question.

The decision came less than a week after Chief Justice John Roberts wrote for the court on June 27 that the Commerce Department needs to explain why the government wants to add the citizenship question to the census. The opinion also questioned the credibility of Commerce Secretary Wilbur Ross' rationale for including it.

Ross had claimed that the new question was needed to bolster the DOJ's Voting Rights Act enforcement efforts with better citizenship data. However, the justices called the explanation "contrived" in light of evidence showing that Ross set out to add the citizenship question in the first weeks of his time in office — well before he discussed the issue with the DOJ.

Although the high court gave the government a chance to address the justices' concerns, the DOJ had said repeatedly that it needed to finalize the census questionnaire by July 1.

After the ruling came down, the president said he was dissatisfied with the high court, writing on Twitter that it seems "totally ridiculous" that the government cannot ask a "basic question of citizenship in a very expensive, detailed and important census." Trump added that he was asking lawyers if they can delay the census indefinitely until the Supreme Court is given additional information.

"Can anyone really believe that as a great country, we are not able [to] ask whether or not someone is a citizen. Only in America!" the president said.

But John Libby, a partner at Manatt Phelps & Phillips LLP and counsel to the plaintiffs who challenged the citizenship question in California federal court, told Law360 on Tuesday that delaying the census would be unconstitutional.

"I think we can safely dismiss that, and given the Department of Justice and Commerce Department's decision today, it's kind of moot," Libby said.

Libby added that he is pleased with the government's decision to drop the question.

Many advocates and Democrats had argued the proposed citizenship question would deter immigrants from answering the questions honestly and lead to skewed population results. Some also said it was an attempt by the Trump administration to boost Republican electoral representation by depressing noncitizen response rates.

As news spread that the citizenship question was dropped from the census Tuesday, multiple groups released statements calling the decision a major victory.

New York Attorney General Letitia James and California Attorney General Xavier Becerra both released statements saying justice has prevailed and that the census will remain a tool for obtaining an accurate count of the nation's population. Becerra said they expect the upcoming census will include 40 million Californians.

Dale Ho, director of the American Civil Liberties Union's Voting Rights Project, who argued the case before the U.S. Supreme Court, said everyone in America counts and today's decision "means we all will."

Daniel Jacobson of Arnold & Porter, a former Obama White House lawyer who argued the case on behalf of immigration organizations, shared on Twitter an email from the Justice Department announcing that the printers have been instructed to begin printing the census questionnaire without the citizenship question.

"We won," Jacobson wrote.

Representatives for the government didn't immediately respond Tuesday to a request for comment.

The government was represented by Solicitor General Noel Francisco.

The challengers were represented by Dale Ho of the American Civil Liberties Union and New York Solicitor General Barbara Underwood.

The case is U.S. Department of Commerce et al. v. New York et al., case number 18-966, in the Supreme Court of the United States.

<https://www.law360.com/immigration/articles/1175275/trump-admin-drops-citizenship-question-from-2020-census>

USA Today: Trump administration begins printing 2020 census without citizenship question, signaling end of court battle

By Richard Wolf

July 2, 2019 5:06 PM

WASHINGTON – The Trump administration said Tuesday it has begun printing 2020 census forms without a question on citizenship, indicating it may be backing down from a lengthy court battle.

Following the [Supreme Court's 5-4 ruling](#) last week that the Commerce Department had failed to justify its proposal, a Justice Department attorney advised lawyers in the case that "the decision has been made" to print without asking about citizenship.

The decision came just days after [President Donald Trump suggested delaying the census](#) in the wake of the Supreme Court decision. "I have asked the lawyers if they can delay the Census, no matter how long," he tweeted.

Late Tuesday via Twitter, Trump said he asked the Department of Commerce and Department of Justice "to do whatever is necessary to bring this most vital of questions, and this very important case, to a successful conclusion."

"A very sad time for America when the Supreme Court of the United States won't allow a question of 'Is this person a Citizen of the United States?' to be asked on the #2020 Census!" Trump tweeted. "Going on for a long time."

By printing without the question, the administration sent a strong signal that it was ending Commerce Secretary [Wilbur Ross'](#) two-year-old fight to add a question on citizenship, one that federal court judges in New York, California and Maryland [struck down as illegal, unconstitutional, or both](#).

Ross released a statement late Tuesday in which he confirmed the printing process had begun without the citizenship question.

"I respect the Supreme Court but strongly disagree with its ruling regarding my decision to reinstate a citizenship question on the 2020 census," he said. "My focus, and that of the bureau and the entire department, is to conduct a complete and accurate census."

To confirm that is the case, federal District Judge George Hazel in Maryland gave the administration until Monday to put in writing its intention to conduct the census without a citizenship question.

Thomas Saenz, president of the Mexican American Legal Defense and Educational Fund, said his group "will now act to ensure that today's decision by the federal government is thorough and complete before voluntarily abandoning our racial intent case."

Reaction was swift among civil rights and immigrant rights groups that had challenged the administration's effort to add the question. Dale Ho, the American Civil Liberties Union lawyer who argued the case at the Supreme Court, tweeted one word: "Boom."

"In light of the Supreme Court's ruling, the Trump administration had no choice but to proceed with printing the 2020 census forms without a citizenship question," he said in a later statement. "Everyone in America counts in the census, and today's decision means we all will."

New York Attorney General Letitia James, whose office also argued at the high court, said, "While the Trump administration may have attempted to politicize the census and punish cities and states across the nation, justice prevailed, and the census will continue to remain a tool for obtaining an accurate count of our population."

And Kristen Clarke, president of the Lawyers' Committee for Civil Rights Under Law, which sued the administration in California, said, "The Supreme Court's ruling left little opportunity for the administration to cure the defects with its decision to add a citizenship question and, most importantly, they were simply out of time given the deadline for printing forms."



The Census Bureau has said adding the question would result in an undercount of Hispanics, who live predominantly in areas represented by Democrats. That could cause some states to lose seats in Congress for the next decade, including California, Texas, Florida and New York.

The administration originally said it would have to begin printing questionnaires this month in order to conduct the decennial census next year, as required by law. [Census Bureau officials](#) had said they could stretch the start date to October, but further court battles could last for months.

Last week's ruling by Chief Justice John Roberts questioned the stated rationale for the administration's effort – enforcing the Voting Rights Act – just as challenging states and immigrant rights groups have done.

"The evidence tells a story that does not match the explanation (Commerce Secretary Wilbur Ross) gave for his decision," Roberts wrote. "The sole stated reason seems to have been contrived."

In a complex decision with several dissents and concurrences, the court's four liberal justices said they would have struck down the citizenship question outright, while the court's four other conservative justices said it should have been upheld.

Adding a citizenship question to the census would affect some 22 million noncitizens. Even if only a small percentage of them refused to return the questionnaire, it would alter the allocation of seats in the House of Representatives and about \$650 billion in federal funds.

The lower court judges – all named by President Barack Obama – described acts of subterfuge and misleading statements intended to obscure the real reasons for asking the citizenship question. In the New York case that came to the Supreme Court, Furman called them "the acts and statements of officials with something to hide."

Since that case was heard in April, challengers discovered documents suggesting [political or racial motives](#) in the files of a deceased Republican expert on redistricting who concluded the move could lead to reduced voting power for Hispanics.

<https://www.usatoday.com/story/news/politics/2019/07/02/census-citizenship-question-trump-administration-printing-without/1628425001/>

New York Law Journal: After SCOTUS Loss, Trump Administration Pulls Citizenship Question From Census

By Dan M. Clark

July 2, 2019 6:27 PM

The 2020 U.S. Census will not ask respondents about their immigration status, the Trump administration confirmed Tuesday, after a series of legal challenges led to a decision from the U.S. Supreme Court striking down the question last month.

The decision puts to bed more than a year of litigation brought against the Trump administration by civil rights groups and several states, including New York, which led one of the lawsuits against the federal government over the question.

New York Attorney General Letitia James called the development a “victory,” after the country’s highest court questioned the motive of the Trump administration last month for choosing to ask about citizenship on the national survey.

“Today’s news is a victory for New York state, for America, and for every single person in this nation,” James said. “While the Trump administration may have attempted to politicize the census and punish cities and states across the nation, justice prevailed, and the census will continue to remain a tool for obtaining an accurate count of our population.”

New York filed its lawsuit over the question with a coalition of other states almost immediately after the addition of the question was announced by the U.S. Department of Commerce. They had alleged the question was motivated by racial animus and a long-term strategy by the Trump administration to give Republicans more power in Congress.

That lawsuit was combined with another against the citizenship question from the New York Immigration Coalition last year for trial, which was held in the U.S. District Court of the Southern District of New York.

They’ve argued that asking about citizenship on the census would lower turnout for the survey in areas with high immigrant populations, like New York. That could lead to a population undercount, they claimed, which could have resulted in fewer seats in Congress for those states. It could have also meant less federal funding in areas like education and health care.

The New York Immigration Coalition was represented by the New York Civil Liberties Union and the American Civil Liberties Union, both of which have used information obtained through discovery to push the case forward.

They claimed that U.S. Commerce Secretary Wilbur Ross had already decided when he took office in 2017 that he wanted to ask about citizenship on the census, and that he didn’t go through the proper channels to justify the addition. They, along with New York, sued based on several claims, but chief among them was the federal Administrative Procedure Act.

The U.S. Supreme Court, in striking down the question last month, criticized the administration’s methods of adding the question to the survey.

“Reasoned decision-making under the Administrative Procedure Act calls for an explanation for agency action,” Chief Justice John Roberts Jr. wrote. “What was provided here was more of a distraction.”

Ross, in a statement released Tuesday evening, said he disagreed with the high court’s decision, but that the clock had run out on other options before the census had to be printed.

“I respect the Supreme Court but strongly disagree with its ruling regarding my decision to reinstate a citizenship question on the 2020 Census,” Ross said. “The Census Bureau has started the process of printing the decennial questionnaires without the question. My focus and that of the bureau and the entire department is to conduct a complete and accurate census.”

Ross and the U.S. Department of Justice have said they wanted to include a question about citizenship on the census to better help the federal government enforce the Voting Rights Act.

U.S. District Judge Jesse Furman of the Southern District of New York had originally struck down the citizenship question in a decision handed down earlier this year.

<https://www.law.com/newyorklawjournal/2019/07/02/after-scotus-loss-trump-administration-pulls-citizenship-question-from-census/>

## International Business Times: 2020 US Census Drops Citizenship Question, Trump Administration Confirms

By Arthur Villasanta

July 2, 2019 10:07

The Trump administration has rescinded the inflammatory citizenship question it unsuccessfully fought to include in the 2020 United States Census, otherwise known as Census 2020, slated to begin on April 1.

The deleted question is: "Is this person a citizen of the United States?"

[Respondents would have been](#) given five options: they were born in the U.S., born in a U.S. territory, born abroad to U.S. citizen parents, naturalized as a citizen, or not a citizen.

The census is conducted every 10 years and counts people living in the U.S. It's used to determine federal funds, grants and support to states, hence its huge importance to both political parties.

Opponents of the question, including the Democratic Party, successfully argued to the Supreme Court its inclusion will disenfranchise minority groups. Three other federal judges also ruled against including the citizenship question over the past few months.

"We can confirm that the decision has been made to print the 2020 Decennial Census questionnaire without a citizenship question, and that the printer has been instructed to begin the printing process," [said Kate Bailey](#), a lawyer with the Department of Justice.

The administration's sudden surrender came as a surprise, albeit a welcome one, to opponents of the question. Opponents branded this census question as another attempt by Republicans at voter suppression of minorities and partisan gerrymandering.

"This is a victory on the eve of the Fourth of July we are celebrating equal justice for all," said New York Attorney General Letitia James. "Everyone should be counted."

New York was one of the many states, cities and other groups that challenged the question in court.

"We're happy about the development but want to make sure it is thorough and complete," said Thomas Saenz, president of the Mexican American Legal Defense and Educational Fund, which was among groups challenging the question.

Saenz, however, said he was concerned the Trump administration might find other ways to undermine the census.

Commerce Secretary Wilbur Ross originally directed the Census Bureau to add the question. He told Congress last March the citizenship question is necessary to enforce the Voting Rights Act's protection against voter discrimination. He also said the citizenship question was requested by the Department of Justice and approved by him.

He disagreed with the Supreme Court's ruling of June 27 rejecting the Trump administration's stated rationale for including the question.

"I respect the Supreme Court but strongly disagree with its ruling regarding my decision to reinstate a citizenship question on the 2020 Census," said Ross.

"The Census Bureau has started the process of printing the decennial questionnaires without the question. My focus, and that of the Bureau and the entire Department is to conduct a complete and accurate census."

<https://www.ibtimes.com/2020-us-census-drops-citizenship-question-trump-administration-confirms-2804376>

#### Queens Chronicle: Citizenship question out of 2020 Census: officials

By Michael Gannon

July 2, 2019 5:45 PM

Multiple sources including state Attorney General Letitia James and Congresswoman Carolyn Maloney (D-Manhattan, Queens and Brooklyn) are confirming that the Trump administration has begun printing forms for the 2020 U.S. Census that do not include a citizenship question.

"The ominous storm cloud over the census has been lifted," Maloney said in a statement emailed to the Chronicle Tuesday evening. "This Administration is finally following the law. Moving forward with the 2020 Census without the citizenship question brings us a step closer to a full and accurate count."

Earlier in the day, Maloney and Queens Congressional Reps. Grace Meng (D-Flushing) and Gregory Meeks (D-Queens, Nassau) co-signed a letter to U.S. Commerce Secretary Wilbur Ross telling him they would not support delaying the Census should the Trump administration decide to refile its defense of the question after last week's loss in the U.S. Supreme Court.

"[W]e do not accept the President's insinuation that he has the authority to delay the census," the letter stated."

Published reports state there had been a delay in printing materials such as mailers. Trump also had spoken of delaying the count; published sources reported Trump was considering unspecified executive action.

The Los Angeles Times reported the White House was prepared to act as early as July 2. New York State is one of the leading parties attempting to block the question, saying the Trump administration's intent is to drive down participation of immigrants in the country both legally and otherwise; the result could drastically alter things like the amount of federal funding coming into the state.

The Commerce Department cited a request from the Department of Justice to use the citizenship question to help with enforcement of the Voting Rights Act, but James called that a pretext in a video of a press conference last week.

James referred to a passage in Chief Justice John Roberts' 29-page opinion that states the Commerce Department's rationale, based on history of the case, was "unknown, but unrelated to the Voting Rights Act."

Roberts joined the four liberal justices on the court in remanding the case, but in a separate decision, sided with the four conservatives in ruling, according to Reuters, that "the U.S. Constitution does not in theory prevent the administration from adding a citizenship question." The chief justice's opinion listed the numerous times the question has been included on at least some of the questionnaires throughout history. Roberts was troubled by the appearance that the Voting Rights Act rationale appeared to be contrived.

"We are presented, in other words, with an explanation for agency action that is incongruent with what the record reveals about the agency's priorities and decisionmaking process," Roberts wrote. "... [F]or the sufficient reasons we have explained we cannot ignore the disconnect between the decision made and the explanation given. ...

"Reasoned decisionmaking under the Administrative Procedure Act calls for an explanation of agency action," Roberts said in his penultimate sentence. "What was provided here was more of a distraction."

[https://www.qchron.com/editions/central/citizenship-question-out-of-census-officials/article\\_eec8618-9d11-11e9-bbe9-6fd2edf62ec4.html](https://www.qchron.com/editions/central/citizenship-question-out-of-census-officials/article_eec8618-9d11-11e9-bbe9-6fd2edf62ec4.html)

## SF Gate: Update: State, City Lawyers Hail Decision To Drop Census Citizenship Question

By Bay City News Service

July 2, 2019 8:00 PM

The administration of President Donald Trump on Tuesday dropped its plan to include a citizenship question on the 2020 census.

The action came in the wake of a U.S. Supreme Court ruling last week in which the panel by a 5-4 vote said Commerce Secretary Wilbur Ross's stated reason for including the question-allegedly to aid voting rights enforcement-"seems to have been contrived."

The high court said the agency could not include the question unless it was supported by a reasoned explanation.

The decision to drop the question was confirmed by the Commerce Department, which conducts the once-a-decade population count.

Ross said in a statement, "I respect the Supreme Court but strongly disagree with its ruling.... The Census Bureau has started the process of printing the decennial questionnaires without the question.

"My focus, and that of the bureau and the entire department, is to conduct a complete and accurate census," Ross said.

A total of six lawsuits challenging the question were filed by states, cities, counties and organizations in federal courts in California, New York and Maryland.

They argued that including the question would result in an unfair undercount of noncitizens and Hispanics by discouraging them from participating in the census. Census population counts are used to determine legislative districts and amounts of federal funding.

In all six cases, federal trial judges issued preliminary injunctions blocking the use of the question. The Supreme Court ruled in two New York cases.

California Attorney General Xavier Becerra, who filed a lawsuit in federal court in San Francisco, stated, "We celebrate a foundational principle of our democracy: that everyone counts. California, like many others, fought to protect our people, our values, and our resources."

San Francisco City Attorney Dennis Herrera said, "This is a triumph for all Americans. This should bring an end to the Trump administration's treacherous attempt to skew the census for political benefit."

San Francisco participated in a lawsuit filed in U.S. District Court in New York by 18 states led by the state of New York, the District of Columbia and 14 cities and counties.

American Civil Liberties Union attorney Dale Ho, who represented a coalition of advocacy groups in the second lawsuit in New York, stated, "In light of the Supreme Court's ruling, the Trump administration had no choice but to proceed with printing the 2020 census forms without a citizenship question. Everyone in America counts in the census, and today's decision means we all will."

<https://www.sfgate.com/news/bayarea/article/Update-State-City-Lawyers-Hail-Decision-To-Drop-14068378.php>

## Ops Lens: Trump Shamefully Climbs Down on Census Citizenship Question

By David Kamioner

July 3, 2019

In another case of previous hyperbole over present reality, the Trump administration has reversed itself and is allowing the census to be printed without a question on U.S. citizenship. This will potentially allow millions of illegal immigrants to be counted and will be a great help to the Dems and far-left in gaining congressional seats and electoral college numbers.

This news came yesterday from the NY attorney general's office. Trump Commerce Secretary Wilbur Ross confirmed the move.

The administration's sotto voce response is that it was up against a last Monday deadline to print the census and that the recent SCOTUS decision did not bode well for a future decision on the subject.

Malarkey.

The president himself even tweeted that he was thinking of holding up the census until the question was definitely resolved and the SCOTUS did not disallow the question, merely tanked the specific rationale the administration used in that case. It intentionally left the door open.

It is true, the census is constitutionally mandated and was on deadline. The president should have held it up anyway. He should have gone to the mattresses on this. The poll numbers on this subject would have massively supported Trump. I know that strategy would have been risky. It also would have been worth it.

Now another census won't be taken for ten years and this decision will be used as precedent. In a further blow, when state legislatures are executing reapportionment next year, these false numbers of actual American citizens can be used to draw state legislative seats. This consequence will rain down hard on social conservatives, as many social and cultural issues of a political nature are decided at the state level.

Yes, the president can play the martyr and use this to rile up the base. However, the political use is not worth the damage to the nation.

Why an aggressive conservative president, an intelligent man surrounded by intelligent people, did this remains to be seen. This was a hill to die on, given its long-term political consequences for the GOP and the country.

And don't give me "Trump 2020," "MAGA," or "I just trust in him." Blind trust is the territory of mobs and the gullible. We can only be honest with ourselves and what we stand for when we call the truth for what it is, in this case a mistaken climb down on an important subject.

The man is an effective president who has done a lot of good for America and will hopefully be reelected by a wide margin. But he got this one wrong. Really wrong.

<https://www.opslens.com/2019/07/trump-shamefully-climbs-down-on-census-citizenship-question/>

## Manhattan Times: Quitting on the Question

By Postmaster

July 2, 2019

It's official – there will be no citizenship question on the 2020 U.S. Census.

Days after being dealt a blow by the U.S. Supreme Court, and despite President Donald Trump's suggesting that there might be a delay in the Census, the administration revealed on Tuesday it is dropping its bid to add a question about citizenship.

In an email to lawyers for the plaintiffs challenging the addition of the question, Justice Department attorney Kate Bailey advised that the Census forms would be printed without the query.

"We can confirm that the decision has been made to print the 2020 Decennial Census questionnaire without a citizenship question, and that the printer has been instructed to begin the printing process," Bailey wrote.

The decision is seen as a triumph for immigrant advocates and civil rights groups, who insisted that a question asking about citizenship would discourage immigrants from completing the Census and suppress response rates.



"Today's news is a victory for New York State, for America, and for every single person in this nation," New York Attorney General Letitia James said in a statement.

"While the Trump administration may have attempted to politicize the Census and punish cities and states across the nation, justice prevailed, and the Census will continue to remain a tool for obtaining an accurate count of our population. Now is the time to shift gears and begin robust education and outreach campaigns to ensure each person in this country is counted. Everyone counts; therefore, everyone must be counted," James said.

Steven Choi, Executive Director of the New York Immigration Coalition (NYIC), the lead plaintiff in the legal battle to block the citizenship question, issued the following statement:

"This is a huge victory for immigrant communities, and shows what Americans can do when we're united against the Trump administration's anti-immigrant hate. Donald Trump tried to politicize the upcoming Census 2020 with the nefarious addition of a citizenship question, in a naked effort to instill fear in immigrants and communities of color. But the Supreme Court of the United States agreed with us, and today the Trump administration admitted defeat by removing this ridiculous citizenship question. Now it's up to us to make sure all New Yorkers—and all Americans—of every stripe will be counted in Census 2020."

On June 27, the U.S. Supreme Court issued a 5-4 ruling temporarily blocking the addition of a citizenship question.

Writing for the majority, Chief Justice John Roberts said the Commerce Department's contention that it was adding the citizenship question to enforce federal voting laws was insufficient.

The Trump administration had repeatedly said it faced a July 1 deadline to begin printing Census forms.

"Our community has won an enormous battle to keep this reckless question out of the upcoming Census. As the administration tried to subvert our democracy and erase us, together we fought back and won," said Javier H. Valdés, Co-Executive Director of Make the Road New York, a co-plaintiff in the case brought before the Supreme Court. "Now, we turn to the critical work of ensuring a full and fair count so that our communities receive the resources for schools, hospitals and vital services that we deserve and need. In the months ahead, our members and allies will undertake a massive effort to ensure that all our neighbors and loved ones are counted."

Also cheering the decision were members of the civic and business community, including Steven Rubenstein, Chairman of the Association for a Better New York (ABNY).

"This is a huge, huge victory for all New Yorkers that improves our chances of getting the federal funding and representation we deserve," said Rubenstein. "You cannot overstate the debt we have to Attorney General Letitia James, the City of New York, the New York Immigration Coalition, and everyone else who fought this case. Thank you for standing up for us. Now it's time for us all to be counted."

<https://www.manhattantimesnews.com/quitting-on-the-questionrenuncia-a-la-pregunta/>

France 24: Trump says 'sad time' after controversial census change abandoned  
July 3, 2019 3:00 AM

President Donald Trump said Tuesday it was a "very sad time" after the US government gave up a controversial attempt to put a question about citizenship on next year's census.

The decision, announced earlier in the day, handed a victory to those who argued the new item would lead to discrimination against minority residents.

It followed a Supreme Court ruling that the case for adding the citizenship question was not convincing.

The president wrote on Twitter: "A very sad time for America when the Supreme Court of the United States won't allow a question of 'Is this person a Citizen of the United States?' to be asked on the #2020 Census!"

Trump added he had asked the departments of commerce and justice to "do whatever is necessary to bring this most vital of questions, and this very important case, to a successful conclusion."

Trump's initial reaction to the ruling had been to call for a delay in the imminent printing of the 2020 census forms, holding up the census in order to allow time for a new appeal.

That bid has now been dropped, ending any chance of changing the format of the massive, once-every-decade survey.

"We're glad the #2020Census will begin printing without a citizenship question," said New York State Attorney General Letitia James, who led a group of states challenging the administration on the issue.

Just this Monday, Trump had been defiant, telling reporters he wanted the census to find out who was a citizen "as opposed to an illegal."

"It is a big difference to me between being a citizen of the United States and being an illegal," he said.

Opponents argued that the question -- which has not been included since 1950 -- would drive many immigrants to avoid answering out of fear of being caught up in Trump's crackdown on illegal immigration.

This would render them invisible, skewing the population count and resulting in fewer government resources for the areas they live in, while distorting the lines of congressional districts, which are based on numbers of residents.

This was the intention all along, said Joe Biden, the frontrunner in the contest to become the Democratic opponent to Trump in 2020 presidential election.

"Make no mistake, the Trump Administration added a citizenship question to the Census to deliberately cut out the voices of immigrants and communities of color. It's wrong and goes against our core values as a nation," the former vice president tweeted.

The Census Bureau's experts said that 1.6 to 6.5 million immigrants, notably Hispanics, would avoid the census or lie to census takers if faced with the citizenship question.

<https://www.france24.com/en/20190703-trump-says-sad-time-after-controversial-census-change-abandoned>

## Twitter Exchange

### NY Times: Trump vs. N.Y.: Fact-Checking His Claims of 'Harassment' by the State

By Jesse McKinley and Vivian Wang

July 2, 2019

ALBANY — For two consecutive days, President Trump turned his Twitter fury against two of the highest elected officials in his home state: Gov. Andrew M. Cuomo and the attorney general, Letitia James, both Democrats.

It was not immediately clear what prompted Mr. Trump to lash out; his tweets on Monday focused on his treatment by Ms. James's office. Without mentioning Ms. James by name, the president said she was "harassing all of my New York businesses in search of anything at all they can find to make me look as bad as possible."

Mr. Trump continued his tirade on Tuesday, suggesting that New York's tax rate was driving away residents "like never before."

The outburst prompted a return of fire from Mr. Cuomo on Tuesday, who issued a statement entitled, "President Trump's Day 2 Twitter Tantrum," saying Mr. Trump was in "la la land."

The best things to do in N.Y.C. during the hottest season of the year. This limited-edition newsletter will launch before Memorial Day and run through Labor Day.

"If he is worried about law enforcement, he shouldn't break the law," Mr. Cuomo said in the statement. "If he is worried about New York taxes, he should repeal the New York tax penalty called SALT that he and Republicans passed, which targeted New York and raised our taxes by \$15 billion."

But was the president wrong? Here's an assessment on the veracity of Mr. Trump's tweets.

#### WHAT WAS SAID

It is very hard and expensive to live in New York. Governor Andrew Cuomo uses his Attorney General as a bludgeoning tool for his own purposes.

Mostly false.

It is expensive to live in New York City, but far less so in less populated areas of the state.

Unlike the nation's attorney general, who is appointed by the president, the New York attorney general is an elected position.

And although Mr. Cuomo endorsed Ms. James in last year's election and helped her campaign raise money, he emphasized that her office was distinctly separate.

"His suggestion that it's my attorney general is just incorrect," Mr. Cuomo said, before adding that "if he has nothing to hide, he has nothing to worry about."

"But," the governor concluded, "I think the tweet shows that his paranoia is once again getting the better of him."

Ms. James also hit back on Twitter on Monday, telling Mr. Trump that “no one is above the law,” and highlighting that the president had not used her name. “My name is Letitia James,” she wrote.

#### WHAT WAS SAID

I even got sued on a Foundation which took Zero rent & expenses & gave away more money than it had.

This is misleading.

The New York attorney general’s office sued Mr. Trump’s charity, the Donald J. Trump Foundation, last year, accusing it of “improper and extensive political activity, repeated and willful self-dealing transactions, and failure to follow basic fiduciary obligations.”

The charity’s tax filings show that it did incur more expenses than the revenue it took in. But the attorney general’s lawsuit said that some of the foundation’s funds were not used for charitable purposes, but were instead used to settle legal claims involving Mr. Trump’s businesses, or to pay for a painting of Mr. Trump. The foundation was also effectively “co-opted” by Mr. Trump’s 2016 campaign, the suit said.

Mr. Trump has admitted to using the foundation’s money to contribute to political causes.

And while the filings do not show expenses for rent, the attorney general said the foundation had no employees, and its board had not met since 1999.

In December, the foundation agreed to dissolve. But the attorney general’s office said the suit would continue to move forward.

#### WHAT WAS SAID

Going on for years, originally brought by Crooked Hillary’s Campaign Chair, A.G. Eric Schneiderman, until forced to resign for abuse against women. They never even looked at the disgusting Clinton Foundation.

Mostly true.

The investigation into Mr. Trump’s foundation was started by the former New York attorney general, Eric T. Schneiderman, in 2016. Mr. Schneiderman resigned in 2018 after The New Yorker published allegations from four women who said that he had physically assaulted them.

Mr. Schneiderman had previously said that allegations about misconduct by the Clinton Foundation did not rise to the level of an investigation, because they largely amounted to paperwork issues.

“We’re not in a position to check that out and enforce it. We leave that to our federal counterparts,” he told Politico in 2016.

#### WHAT WAS SAID

People are fleeing New York like never before. If they own a business, they are twice as likely to flee. And if they are a victim of harassment by the A.G. of the state, like what they are doing to our great NRA, which I think will move quickly to Texas, where they are loved, Texas will defend them and indemnify them against political harassment by New York State and Governor Cuomo.

Mostly untrue.

While the population in some regions of upstate has declined or remained stagnant for decades, the overall population of the state has actually slightly increased during the last eight years of Mr. Cuomo's administration, according to the United States Census Bureau.

And while Republican politicians, like Rick Scott, the former governor of Florida, have bragged about drawing business south — sometimes even sending thank you notes to northern-state leaders — Mr. Cuomo recently announced record high private sector employment in New York, though much of that is in the city and its suburbs.

As for harassment, President Trump seems to be referring to a running legal skirmish between the Cuomo administration and the National Rifle Association, which the governor has called an "extremist group." Last year, the association filed a lawsuit against the governor and a state agency saying New York's efforts to end a so-called carry guard insurance policy and other efforts had cost it "millions of dollars."

Ms. James's office has also opened an investigation into the gun group's tax-exempt status, and has confirmed that it has issued subpoenas in the matter. The N.R.A., however, is not based in New York; its headquarters is in Virginia. Ms. James has special jurisdiction over the group because it was chartered in New York.

#### WHAT WAS SAID

So many people are leaving New York for Texas and Florida that it is totally under siege. First New York taxes you too high, then they sue you, just to complete the job.

Partially true, but needs context.

New Yorkers have contributed to a major inflow to Florida, but Californians are much more likely to move to Texas. Still, Mr. Cuomo has warned of the lure of Texas and other low-tax states, saying that his state is in competition for jobs and talent, and noting that he has held the line on taxes in New York.

And while New York does have some of the highest property and income taxes in the nation, Mr. Cuomo railed against the 2017 Trump tax overhaul, particular a cap on the state and local income tax deduction, which the governor has called "an economic missile" aimed at the residents of the state, particular those with valuable properties and high incomes who pay a large share of the total amount of taxes.

Mr. Cuomo on Tuesday said the president was wrong about New York's taxes.

"I lowered taxes in New York. Trump raised them," the governor said in a statement. "Try the truth for a change, Mr. President."

<https://www.nytimes.com/2019/07/02/nyregion/trump-fact-check-nyc.html>

Roll Call: Trump suggests 'this crew' of 2020 Dems poised to use dirty tricks against him  
By John Bennett

July 2, 2019 9:13 AM

With a single tweet Tuesday morning, President Donald Trump again harkened back to his 2016 election victory and suggested Democrats are poised to use dirty tricks to prevent him from winning again.

The president also used his preferred social media platform to pit Texas against New York over the National Rifle Association — popular among his conservative base — as he and his campaign team try to keep the Lone Star State in his column.

The pair of morning tweets showed a president very much in reelection mode serving up red meat for his political base on Twitter. To that end, the Trump team on Monday again showed its focus on the 2020 race when the White House announced Strategic Communications Director Mercedes Schlapp, who has been in the West Wing since Trump was sworn in in 2017, will soon take a role with the Trump-Pence 2020 campaign organization.

With most prominent polls showing Trump trailing the handful of leading 2020 Democratic presidential candidates in most of the key Electoral College battleground states, the president took to Twitter to suggest Democrats — before they even pick a nominee — already are preparing to try and derail his debate performances against his general election foe.

“As most people are aware, according to the Polls, I won EVERY debate, including the three with Crooked Hillary Clinton, despite the fact that in the first debate, they modulated the sound on me, and got caught,” Trump wrote

Trump was referring to a problem with his microphone during a September 2016 debate against Democratic nominee Hillary Clinton. Afterward, in the “spin room,” he complained to reporters about having a “defective mic,” wondering aloud, according to multiple reports: “Was that on purpose?”

The Commission on Presidential Debates issued this statement after that debate: “Regarding the first debate, there were issues regarding Donald Trump’s audio that affected the sound level in the debate hall.”

Three years later, the president who rarely shies away from pushing conspiracy theories popular with his base is making clear he still does not buy the commission’s story. He saw a Democratic conspiracy then — and another brewing.

As most people are aware, according to the Polls, I won EVERY debate, including the three with Crooked Hillary Clinton, despite the fact that in the first debate, they modulated the sound on me, and got caught. This crew looks somewhat easier than Crooked, but you never know?

Meantime, Texas appears to be on Trump’s mind. A Quinnipiac University poll released last year shows why. That survey showed Trump losing a hypothetical one-on-one general election there to former Vice President Joe Biden, 48 percent to 44 percent. And while Sens. Bernie Sanders of Vermont, Elizabeth Warren of Massachusetts and Kamala Harris of California, as well as South Bend, Indiana, Mayor Pete Buttigieg, former Texas Rep. Beto O’Rourke, and former Labor Secretary Julian Castro trailed him, all were within the poll’s 3.4 percent margin of error.

Trump has used a number of recent morning tweets to tee off on New York’s Democratic-run state government. He is a native New Yorker, growing up in the Queens borough of New York City before setting up shop in a penthouse in his Manhattan Trump Tower.

On Tuesday, he zeroed in on the Empire State's investigation of the NRA's finances and suggested the pro-gun organization, which has become increasingly vocal in supporting all sorts of conservative policy positions, move to Texas.

He claimed that people are "fleeing" New York "like never before," criticizing the state's tax rates on businesses. "And if they are a victim of harassment by the A.G. of the state, like what they are doing to our great NRA, which I think will move quickly to Texas, where they are loved.....," he wrote.

New York Attorney General Letitia James is investigating the NRA's tax-exempt status, with the New York Times reporting in May that she has instructed the organization to preserve financial records and documents.

The president sent a message to the NRA's leadership, saying it should move its headquarters to Texas, claiming the Lone Star State would "defend them & indemnify them against political harassment by New York State and [Democratic] Governor [Andrew] Cuomo."

Only the NRA's headquarters is not in New York — the organization is based in Fairfax, Virginia, its large glass building towering over a section of Interstate 66 about 20 miles outside Washington, D.C.

It was not immediately clear the president is aware of that.

<http://www.rollcall.com/news/trump-suggests-this-crew-of-2020-dems-poised-to-use-dirty-tricks-against-him>

NBC News: 'Harassment': Trump rails against NY Dems for investigation into NRA

By Allan Smith

July 2, 2019 9:01 AM

For the second straight day, President Donald Trump vented online about New York Gov. Andrew Cuomo and state Attorney General Letitia James, this time focusing on the latter's investigation of the National Rifle Association.

"People are fleeing New York like never before," Trump tweeted Tuesday morning. "If they own a business, they are twice as likely to flee. And if they are a victim of harassment by the A.G. of the state, like what they are doing to our great NRA, which I think will move quickly to Texas, where they are loved."

"Texas will defend them & indemnify them against political harassment by New York State and Governor Cuomo," Trump continued. "So many people are leaving New York for Texas and Florida that it is totally under siege. First New York taxes you too high, then they sue you, just to complete the job."

In April, the New York attorney general opened an investigation into the NRA's tax-exempt status. Soon after, the group's then-president, Oliver North, announced he would step down.

Prior to that, North sought to oust the NRA's longtime chief executive, Wayne LaPierre, and said in a letter in the group's annual convention that the organization had "a clear crisis" on its hands that needed to be dealt with "immediately and responsibly." North had formed a committee to investigate any financial improprieties in the organization.



The NRA kerfuffle first spilled out into the public when The Wall Street Journal reported on the strife between North and LaPierre. North said any such financial improprieties could threaten the organization's nonprofit status. Meanwhile, LaPierre accused North of trying to extort him, threatening to release damaging information if the chief executive did not resign.

At the time, Trump tweeted that the NRA needed to "get its act together" because it was "under siege."

Responding to those tweets, James' office said in a statement that the state attorney general "is focused on enforcing the rule of law."

"In any case we pursue, we will follow the facts wherever they may lead," she said. "We wish the President would share our respect for the law."

On Monday, Trump also laid into Cuomo and James, saying in an afternoon tweet storm that the governor is using the state's attorney general to target Trump's businesses for political purposes.

Cuomo responded that Trump "says the most absurd things" and his "strength is not fact or truth."

The governor also noted that the New York attorney general is elected, adding that Trump's "suggestion that it's my attorney general is incorrect."

James tweeted in response that as "the elected AG of NY, I have a sworn duty to protect & uphold state law."

Trump has repeatedly claimed that people and businesses are leaving New York state in record numbers. It's true that people are leaving New York state in record numbers — according to Census data — but it's hard to gauge departing businesses. There's some anecdotal evidence that some businesses might be leaving the Big Apple, but there is also evidence that more than 10,000 businesses open and close in the state each year.

<https://www.nbcnews.com/politics/donald-trump/trump-laments-ny-probe-nra-second-day-complaints-about-home-n1025601>

Bloomberg News: Trump predicts NRA will move to Texas to flee New York 'Harassment'

By Caitlin Webber

July 2, 2019 8:39 AM

President Donald Trump predicted the National Rifle Association would soon move to Texas to flee "harassment" by the New York state government, although the organization is not based in the Empire State.

The NRA is loved in Texas, Trump said in a series of tweets Tuesday, the second day in a row he has used Twitter to accuse New York officials of targeting political opponents, causing businesses and organizations to leave the state.

New York Attorney General Letitia James opened an investigation into the gun-rights group's nonprofit status in April. The NRA, which was first chartered in New York in 1871, is suing the state's financial

regulator, claiming its investigation into the organization's insurance products is part of a vendetta led by Governor Andrew Cuomo, a frequent critic.

Cuomo "uses his Attorney General as a bludgeoning tool for his own purposes," Trump said in a tweet Monday. "They sue on everything, always in search of a crime."

The NRA's headquarters is in Fairfax, Virginia.

[https://www.lmtonline.com/business/article/Trump-Predicts-NRA-Move-to-Texas-to-Flee-New-York-14066279.php?utm\\_campaign=hptexas](https://www.lmtonline.com/business/article/Trump-Predicts-NRA-Move-to-Texas-to-Flee-New-York-14066279.php?utm_campaign=hptexas)

## The Hill: Trump: People are fleeing New York for Texas, Florida

By Chris Mills Rodrigo

July 2, 2019 9:21 AM

President Trump on Tuesday blasted New York, claiming without evidence that "people are fleeing" the state while saying they should "move quickly to Texas" and Florida.

"People are fleeing New York like never before. If they own a business, they are twice as likely to flee. And if they are a victim of harassment by the A.G. [attorney general] of the state, like what they are doing to our great NRA, which I think will move quickly to Texas, where they are loved," the president tweeted.

"Texas will defend them & indemnify them against political harassment by New York State and Governor Cuomo. So many people are leaving New York for Texas and Florida that it is totally under siege. First New York taxes you too high, then they sue you, just to complete the job."

The tweets Tuesday are the second time in as many days that Trump has targeted New York Gov. Andrew Cuomo (D) and state Attorney General Letitia James (D).

On Monday, the president said Cuomo was using James as "bludgeoning tool" against him, while also calling the state "expensive."

While New York City lost roughly 40,000 residents last year, according to the census, the state's overall population has increased.

Though it is not clear what about New York has specifically drawn Trump's ire on Twitter in the last couple of days, James has been aggressive in investigating Trump, his administration and his business interests.

She has filed or joined a barrage of lawsuits on issues from the administration's decision to add a citizenship question to the census to the Trump Organization's business practices.

Former New York Attorney General Eric Schneiderman (D), who resigned in May 2018 after he was accused of abusing multiple women, began a lawsuit which resulted in the Trump Foundation being shuttered.

Schneiderman has denied the abuse allegations against him.

Cuomo and James both responded to Trump's tweets on Monday.

Cuomo said Trump was distorting his record and “doesn’t really understand how government works,” while James said that “No one is above the law.”

<https://thehill.com/homenews/administration/451300-trump-people-are-fleeing-new-york-for-texas-florida>

Fox News: Trump says New York legal ‘harassment’ forcing businesses to flee, NRA may be next  
By Brooke Singman

July 2, 2019 8:39 AM

President Trump ramped up his criticism Tuesday of New York Gov. Andrew Cuomo's administration, accusing him and state Attorney General Letitia James of harassing [businesses](#) including his own and saying high taxes and lawsuits are forcing many to flee to low-tax states like Texas.

He suggested the National Rifle Association could be next to go.

“People are fleeing New York like never before. If they own a business, they are twice as likely to flee. And if they are a victim of harassment by the A.G. of the state, like what they are doing to our great NRA, which I think will move quickly to Texas, where they are loved,” Trump tweeted.

“Texas will defend them & indemnify them against political harassment by New York State and Governor Cuomo. So many people are leaving New York for Texas and Florida that it is totally under siege,” he continued. “First New York taxes you too high, then they sue you, just to complete the job.”

The president’s tweets come after he blasted the same two officials on Monday for “harassing all of [his] New York businesses in search of anything at all they can find to make me look as bad as possible.”

James, whom Trump said was being used by Cuomo as a “bludgeoning tool,” has been leading several Trump-related investigations since taking her post last year.

But in April, James’ office also launched an investigation into the NRA’s finances, amid a rift between the Second Amendment rights group’s leadership and accusations of financial misconduct.

Trump, at the time, said the organization was “under siege” by Democrats working to “destroy” the organization.

The NRA sued Cuomo last year, claiming that Cuomo’s “blacklisting” campaign threatened its ability to pursue its mission. The group said it lost insurance coverage after New York’s actions, which they claimed blocked organizations from doing business with the NRA.

Meanwhile, the state's Trump-focused probes included the lawsuit against the Trump Foundation in 2018, claiming it engaged in illegal activity and “unlawful political coordination” to benefit Trump’s personal and business interests. The Foundation agreed to dissolve, and James called on Trump to pay \$8.4 million in penalties and restitution as part of the settlement.

James, before taking office, warned that she would “use every area of the law” to investigate the Trump family.

Her office is also currently investigating the Trump Organization for allegedly underpaying undocumented immigrants who worked at a Trump-owned golf club. They also subpoenaed financial records including loan applications and mortgages from institutions including Deutsche Bank as part of a probe of Trump Organization projects.

Trump blasted all of the investigations on Monday as part of a “political Witch Hunt.”

Cuomo, in response, said he has “reduced taxes” in the state of New York, but said that nothing Trump says “can surprise me or the people of this country.” He also denied using James as his “tool,” reminding that she was elected by the people of New York—not chosen by him.

<https://www.foxnews.com/politics/trump-says-new-york-legal-harassment-forcing-businesses-to-flee-nra-may-be-next>

Raw Story: Trump lashes out at probes of his family business: “First they tax you — then they sue you”

By Travis Gettys

July 2, 2019 11:47 AM

President Donald Trump started off the day with another Twitter rant against the state of New York and its investigations of his family business.

The president ranted Monday against the state and its Democratic governor, Andrew Cuomo, and attorney general, Letitia James, for investigating the Trump Organization and Trump Foundation, which was forced to shut down over financial improprieties.

“People are fleeing New York like never before,” Trump tweeted Tuesday morning. “If they own a business, they are twice as likely to flee. And if they are a victim of harassment by the A.G. of the state, like what they are doing to our great NRA, which I think will move quickly to Texas, where they are loved.”

The NRA is facing its own existential threat from an investigation by James of alleged financial improprieties by the gun manufacturer lobbying group’s leadership.

“Texas will defend them & indemnify them against political harassment by New York State and Governor Cuomo,” Trump tweeted. “So many people are leaving New York for Texas and Florida that it is totally under siege. First New York taxes you too high, then they sue you, just to complete the job.”

It’s not clear what has prompted the president’s recent attacks on his home state.

[https://www.salon.com/2019/07/02/trump-lashes-out-at-probes-of-his-family-business-first-they-tax-you-then-they-sue-you\\_partner/](https://www.salon.com/2019/07/02/trump-lashes-out-at-probes-of-his-family-business-first-they-tax-you-then-they-sue-you_partner/)

ABC News 10: President enters a war of words on Twitter with NY officials

By Corina Cappabianca

July 2, 2019 5:34 PM

President Donald Trump took aim at New York State and Governor Andrew Cuomo in a Twitter war of words.

For the second morning in a row, Pres. Trump went after New York Gov. Andrew Cuomo and the attorney general's office.

In a tweet, the president wrote, "So many people are leaving New York for Texas and Florida that it is totally under siege. First New York taxes you too high, then they sue you, just to complete the job."

Governor Cuomo responded in a statement saying:

"President Trump is in la la land. If he is worried about law enforcement, he shouldn't break the law. If he is worried about New York taxes, he should repeal the New York tax penalty called SALT that he and Republicans passed, which targeted New York and raised our taxes by \$15 billion."

Cuomo addressed the federal tax law at a press conference in June.

"They've assaulted this state economically with their tax reform act that targets New York," he said.

The federal tax reform law limited state and local tax deductions on federal income tax returns to \$10,000.

On Monday, President Trump tweeted: "It is very hard and expensive to live in New York. Governor Andrew Cuomo uses his Attorney General as a bludgeoning tool for his own purposes. They sue on everything, always in search of a crime. I even got sued on a Foundation which took Zero rent & expenses."

Attorney General James responded back, in part: "My office will follow the facts of any case, wherever they lead. Make no mistake: No one is above the law, not even the President."

<https://www.news10.com/news/local-news/president-enters-a-war-of-words-on-twitter-with-ny-officials/>

Newsweek: NRA TELLS DONALD TRUMP THANKS, BUT NO THANKS AFTER HE SAYS THE GUN-RIGHTS GROUP SHOULD FLEE NEW YORK FOR TEXAS

By Asher Stockler

July 2, 2019 1:04 PM

The National Rifle Association (NRA) has politely declined a suggestion from President Donald Trump on Tuesday that the group flee New York in favor of the more gun-friendly State of Texas. Trump's comment was made despite the fact that the gun-rights organization is headquartered in Fairfax, Virginia.

Trump wrote that if an organization is the "victim of harassment by the A.G. of [New York], like what they are doing to our great NRA," then that group will "move quickly to Texas, where they are loved."

The NRA, which donated over \$30 million to Trump's campaign in 2016, welcomed the intervention.

"The NRA appreciates the ongoing support from President Trump," NRA managing director of public affairs Andrew Arulanandam told Newsweek in a written statement. "He's a champion for our cause and the freedoms for which we stand."

However, despite the organization's occasional differences with New York Governor Andrew Cuomo, Arulanandam said "we have a long and proud history in New York—for almost 150 years," and emphasized that, despite frequent calls to decamp to another state, "our plan is to stay there."

"We'll fight for our members right there and across the nation, and defend their interests like never before," he added.

Letitia James, the New York State attorney general, has opened a probe into the NRA's finances after several reports in recent months revealed potential instances of financial impropriety. The NRA said it has had to sue its longtime PR firm Ackerman McQueen to obtain business records needed to respond to the attorney general's inquiry.

While the NRA has its charter in New York, the organization is headquartered in Virginia. The charter allows James to conduct oversight of the organization, but a change in jurisdiction would not quell the NRA's mounting legal woes. Ackerman has sued the NRA as part of the groups' acrimonious split, and their court fight is currently playing out in the Circuit Court of Alexandria. Wherever the NRA would relocate, per the president's suggestion, that would not immunize the group from civil litigation.

If the NRA wanted to relocate it would first have to file a certificate of dissolution with New York's Department of State, and only after the attorney general's office has given its stamp of approval.

"Under New York law you have to get permission from the state's attorney general to do that," James Fishman, a Pace Law School professor and the author of New York Nonprofit Law and Practice, told Newsweek. "That's really to stop organizations that, say, are crooked from dissolving and running away to another state. The NRA is stuck."

Furthermore, the president himself has run into trouble trying to evade oversight from the New York Attorney General's Office. On Christmas Eve 2016, then-President-elect Trump announced that his namesake foundation would close amid heightened scrutiny over allegations of potential self-dealing.

During that dispute and a then-ongoing probe by then-state Attorney General Eric Schneiderman, the attorney general's office released a statement informing Trump that he could not dissolve the foundation while it was being investigated, a blow to the president's efforts to remove the ethical cloud surrounding his business empire.

Fishman figured that James "could get the NRA to reorganize and promise to clean everything up" in return for an approval of a dissolution certificate. But that would certainly depend on the outcome of her office's investigation which, until finished, the NRA is beholden to under a New York law which grants the state's attorney general oversight of the non-profit sector.

The New York State Attorney General's Office did not immediately respond to a request for comment.

<https://www.newsweek.com/nra-donald-trump-new-york-texas-1447134>

USA Today: Trump accuses New York Gov. Cuomo of using attorney general to target his businesses

By Jon Campbell

July 2, 2019 9:39 AM

ALBANY – President Donald Trump criticized New York Gov. Andrew Cuomo in a series of tweets Monday, accusing him of using state Attorney General Letitia James as a "bludgeoning tool" by targeting Trump's businesses and foundation with investigations and lawsuits.

Trump, a Republican from New York, has often lashed out at the state's high taxes and Democratic leadership on Twitter.

He did so again Monday, when he took issue with a series of state investigations into his business practices, claiming it is causing his businesses and children to spend large sums on lawyers.

The Trump Organization is now run by Eric and Donald Trump Jr., the president's sons.

"Now Cuomo's A.G. is harassing all of my New York businesses in search of anything at all they can find to make me look as bad as possible," Trump tweeted. "So, on top of ridiculously high taxes, my children and companies are spending a fortune on lawyers. No wonder people and businesses are fleeing New York in record numbers!"

It is very hard and expensive to live in New York. Governor Andrew Cuomo uses his Attorney General as a bludgeoning tool for his own purposes. They sue on everything, always in search of a crime. I even got sued on a Foundation which took Zero rent & expenses & gave away...

Trump followed those tweets up with more on Tuesday morning, when he criticized New York's tax system and claimed "so many people" are leaving New York for Texas and Florida.

<https://www.usatoday.com/story/news/politics/2019/07/02/trump-accuses-new-york-gov-andrew-cuomo-targeting-trump-businesses/1626287001/>

Newsday: Trump's charity was exposed and closed, and now he decries wider NY probes

By Dan Janison

July 2, 2019 8:08 PM

President Donald Trump spewed Twitter bile this week about New York, Gov. Andrew M. Cuomo and other political leaders.

This came without obvious prompting from any news item.

Notably, Trump complained that the state attorney general, Letitia James, "is harassing all of my New York businesses in search of anything at all they can find to make me look as bad as possible."

Trump wrote, "I even got sued on a foundation" created under New York's nonprofit charity laws, attempting to link that to Cuomo, Hillary Clinton and high taxes.



It is Trump's complaint about the investigations — in the same martyr-like wails that marked his running narrative in the Mueller affair — that sparks curiosity.

Why did he raise this now, right after his Asia trip? Was it a response to some fresh line of questioning or subpoena that has yet to become public? Officials weren't saying.

Everyone who keeps up with these matters already knew Trump and three of his adult children were under scrutiny in New York, dating to well before James' election last November.

In December, his Donald J. Trump Foundation agreed to dissolve and give away its remaining assets under court supervision as part of the attorney general's investigation. The office had said the foundation was "functioning as little more than a checkbook to serve Mr. Trump's business and political interests."

The entity was accused of engaging in "a shocking pattern of illegality" that included unlawfully coordinating with Mr. Trump's 2016 presidential campaign. Even former Trump lawyer Michael Cohen, now in prison, had told Congress about its sketchy dealings.

Before that, Trump settled for \$25 million to cap the Trump University class action lawsuit during which he paranoiacally attacked a judge as biased based on his being Mexican-American.

But it wasn't until March that new state inquiries cropped up.

AG James' office issued subpoenas to Deutsche Bank and Investors Bank for records about the financing of Trump Organization projects and a failed attempt in 2014 to purchase the Buffalo Bills, The New York Times reported.

Trump has displayed particular sensitivity on that front. Two years ago, for example, he warned of setting a "red line" against former special counsel Robert Mueller delving into his business affairs.

Cohen told Congress in February that Trump inflated his assets on financial statements submitted to Deutsche Bank. The projects James is exploring were reported to be in Washington, D.C., Miami and Chicago.

One of them, the Trump International Hotel in Washington, run by his son Donald Jr., draws customers from the capital's political class, including connected foreign guests, amid accusations of a conflict of interest from ethics experts.

In his most recent raft of tweets Trump moaned: "My children and companies are spending a fortune on lawyers."

Do they know of a shoe that's about to drop?

<https://www.newsday.com/long-island/columnists/dan-janison/trump-cuomo-james-1.33304802>

NY Daily News: Trump trashes New York for high taxes — plus 'harassment' of him  
By David Goldiner

July 2, 2019 9:54 AM

If the taxman don't get you, Tish James will.

President Trump resumed his feud with his home state Tuesday, tweeting his spleen over the state's high taxes (he made them higher) and zealous law enforcement (it cracked down on his foundation and fake college).

In a pair of rambling tweets, Trump suggested that anyone would want to flee the Empire State to avoid its high taxes.

It's true that New Yorkers face some of the highest taxes in the nation. But Trump failed to mention that he made the burden higher by pushing to end the federal deduction for state and local taxes.

Trump went on to incomprehensibly attack New York for relentlessly investigating him and for fraud and other things.

Trump brands such investigations, like the ones that Attorney General Letitia James is overseeing, as nothing more than "harassment."

New York prosecutors forced Trump's foundation to shut down amid allegations of self-dealing and fraud. It also won a \$50 million settlement over claims of fraud at now-defunct Trump University.

Trump's advice might work for someone trying to evade New York taxes, although accountants warn that audits often target those trying to claim residency in no-tax states.

But it definitely won't help him escape scrutiny in the state where most of his businesses are based.

<https://www.nydailynews.com/news/politics/ny-trump-new-york-taxes-national-rifle-association-20190702-k2q675evonbctkbihx4fujmerq-story.html>

Newsday: Donald Trump: Robert Mueller 'must' stick to report in House testimony

By Laura Figueroa Hernandez

July 2, 2019 1:32 PM

WASHINGTON — President Donald Trump on Tuesday said former special counsel Robert Mueller "must" stick only to the contents of his final report when he testifies before Congress this month about his investigation into Russian election interference and alleged attempts by Trump to obstruct the probe.

Trump in a series of morning tweets also took jabs at Gov. Andrew M. Cuomo and State Attorney General Letitia James for the second straight day, and he said members of the field of 2020 Democratic contenders would be "easier" for him to face in a presidential debate.

Mueller, who is set to testify before the House Intelligence and Judiciary committees on July 17, has said he will not offer any new information not already in his 448-page final report.

However, congressional Democrats have said they plan to press the former special counsel for more details about the underlying evidence that formed the basis of the report.

"Robert Mueller is being asked to testify yet again. He said he could only stick to the Report, & that is what he would and must do," Trump tweeted. "After so much testimony & total transparency, this Witch Hunt must now end. No more Do Overs. No Collusion, No Obstruction. The Great Hoax is dead!"

Trump's tweets came a week after his personal attorney Jay Sekulow said in a CNN interview that the president's legal team would not attempt to interfere with Mueller's testimony. Trump has blocked current and former White House aides from complying with a series of congressional subpoenas issued after the Mueller report's release.

On Tuesday, the president kicked off his morning tweets by taking aim at Cuomo and James, both Democrats, for a second straight day, accusing them of driving New York residents and corporations to move to Florida and Texas for lower tax rates.

Trump revived his long standing gripes about probes by James' office into his finances and those of the National Rifle Association. He labeled the investigations "political harassment" that was spurring businesses to leave the state.

"People are fleeing New York like never before. If they own a business, they are twice as likely to flee. And if they are a victim of harassment by the [attorney general] of the state, like what they are doing to our great NRA, which I think will move quickly to Texas, where they are loved," Trump tweeted.

In a follow-up tweet he wrote: "Texas will defend them & indemnify them against political harassment by New York State and Governor Cuomo. So many people are leaving New York for Texas and Florida that it is totally under siege. First New York taxes you too high, then they sue you, just to complete the job."

In a statement, Cuomo said Trump was "in la la land. If he is worried about law enforcement, he shouldn't break the law. If he is worried about New York taxes, he should repeal the New York tax penalty called SALT that he and Republicans passed, which targeted New York and raised our taxes by \$15 billion."

Cuomo continued, "I lowered taxes in New York. Trump raised them. Try the truth for a change, Mr. President."

James on Monday defended the state investigations, tweeting, "No one is above the law, not even the President."

Trump's tweets come amid multiple probes led by James into Trump's business dealings and personal finances.

In April, James also launched a probe into the NRA's finances after some of the group's own leaders complained that the nonprofit was mismanaging its funds.

The powerful gun-lobbying organization, whose primary office is located just outside Washington, D.C., is registered as a nonprofit organization in New York, giving the attorney general's office authority to examine its finances.

Trump also took to Twitter on Tuesday to boast about his 2016 debate performances against a large group of GOP primary contenders and three one-on-one debates with Democrat Hillary Clinton.

The President claimed to have “won EVERY debate,” before saying the 2020 field of Democratic presidential hopefuls “looks somewhat easier ... but you never know?”

<https://www.newsday.com/news/nation/trump-mueller-cuomo-tweet-1.33294505>

Daily Mail: Trump defends 'great' NRA amid turmoil and fleeing leadership as he dares gun group to move from New York to Texas to escape Democrats' 'harassment'

By David Martosko

July 2, 2019 9:23 AM

Donald Trump defended the National Rifle Association on Tuesday amid unprecedented turmoil for the politically indispensable gun lobby group that is shedding its leaders, shuttering its online TV platform and cutting ties with its longtime PR firm.

The president had not voiced public support for the NRA since shortly after he told the group's annual convention on April 26 that 'gun owners make our communities safer and they make our nation stronger.'

On Tuesday he framed the group as a victim of longstanding 'harassment' from New York Gov. Andrew Cuomo and the state's attorney general, Letitia James – and suggested it might pull up stakes.

'People are fleeing New York like never before. If they own a business, they are twice as likely to flee,' Trump tweeted.

'And if they are a victim of harassment by the A.G. of the state, like what they are doing to our great NRA, which I think will move quickly to Texas, where they are loved ... Texas will defend them & indemnify them against political harassment by New York State and Governor Cuomo.'

The president tweeted on April 29 that '[t]he NRA should leave and fight from the outside of this very difficult to deal with (unfair) State!'

But he hadn't rushed to its defense since a series of dominoes began to fall, jeopardizing the gun-rights organization that dates to 1871 and boasts nearly 5 million members.

The NRA last month severed ties with its Oklahoma-based PR firm, Ackerman McQueen, for refusing to document its billings.

It has paid the firm tens of millions of dollars in the decades since they partnered up to shape the group's messaging.

NRATV, a prominent vehicle for the group's online public relations power, that featured hosts talking about everything from immigration to weaponry, was part of Ackerman McQueen's portfolio and got the axe.

Last week Chris Cox, the NRA's top lobbyist and principal political strategist, resigned amid reports of infighting within the group.

He had worked with the NRA since 1995 and was widely viewed as its second-in-command, and the likely successor to CEO Wayne LaPierre.

Cox quit less than a week after he was put on administrative leave over claims that he was complicit in a plot to oust LaPierre from the top job.

Documents filed in a New York court last month against the group's former president, Oliver North, reportedly included text exchanges between Cox and a board member discussing plans to boot LaPierre.

Cox has vehemently denied such claims as 'offensive and patently false.'

'For 24 years I have been a loyal and effective leader in this organization,' he said in a statement.

As principal political strategist, Cox was also responsible for directing money into Donald Trump's 2016 presidential campaign – and was expected to play the same role next year.

Trump's coalition of 'deplorables' in a handful of states that are key to his re-election relies heavily on the NRA's core demographic: largely white, rural voters who trend Republican and are politically engaged.

Re-establishing his bona fides with gun owners at a time when their most visible lobby group is teetering could prove to be a critical political strategy.

The NRA's split with Ackerman McQueen threatens to become a festering wound of vicious in-fighting.

During their decades-long relationship the firm was responsible for crafting the group's aggressive advertisements and messaging, including the now-famous "From my cold dead hands" line uttered by actor Charlton Heston in 2000 as he vowed to resist any effort to take away his guns.

Ackerman McQueen has accused the NRA of trying to avoid its financial obligations by shuttering NRATV and implied its financial woes are partly the result of now paying for high-priced lawyers.

The most prominent of those attorneys, Bill Brewer, is the brother-in-law of Ackerman McQueen CEO Revan McQueen.

<https://www.dailymail.co.uk/news/article-7204873/Trump-defends-great-NRA-amid-turmoil-fleeing-leadership.html>

Newsmax: Trump: People 'Fleeing New York' For Texas Over NRA, Taxes

By Sandy Fitzgerald

July 2, 2019 8:49 AM

President Donald Trump claimed Tuesday that people are "fleeing New York like never before" for Texas and Florida because of taxes and the treatment the National Rifle Association is receiving.

"If they own a business, they are twice as likely to flee," the president [tweeted](#). "And if they are a victim of harassment by the A.G. of the state, like what they are doing to our great NRA, which I think will move quickly to Texas, where they are loved."

"Texas will defend them & indemnify them against political harassment by New York State and Governor Cuomo," he [added](#). "So many people are leaving New York for Texas and Florida that it is totally under siege. First New York taxes you too high, then they sue you, just to complete the job."

New York Attorney General Letitia James earlier this year [opened a probe](#) into the NRA's tax-exempt status, issuing letters to top NRA officials and affiliated groups to preserve financial records before issuing subpoenas to some of the NRA's related businesses.

Last year, the NRA sued Gov. Andrew Cuomo, saying a "blacklisting" campaign caused it to lose insurance coverage.

James' office is also currently investigating the Trump Organization for claims it underpaid undocumented immigrants working at a Trump-owned golf club. On Monday, Trump called the investigations a "political witch hunt," reports [Fox News](#).

<https://www.newsmax.com/newsfront/trump-new-york-nra-twitter/2019/07/02/id/922958/>

## IJR News: POTUS Claims People Are 'Fleeing' New York Like 'Never Before' — Points to AG 'Harassment'

By Houston Keene

July 2, 2019 2:05 PM

President Donald Trump claimed that people are leaving in droves from the state of New York to places like Florida and Texas, pointing to the Empire State's "high taxes" and "harassment" from the state's attorney general.

In a series of tweets published Tuesday morning, Trump took aim at his home state of New York, pointing out that people are "fleeing" the state "like never before" and that they are "twice as likely to flee" if they are business owners.

The president continued on to claim that the Attorney General of New York Letitia James was involved in the "harassment" of businesses and suggested that the NRA would be the next company to get out of Dodge.

"And if they are a victim of harassment by the A.G. of the state, like what they are doing to our great NRA, which I think will move quickly to Texas, where they are loved," Trump wrote.

Trump's Tuesday tweets follow up on his remarks from a day earlier, where he also torched Cuomo and James, claiming the pair were "harassing all of [his] New York businesses in search of anything at all they can find to make me look as bad as possible."

The president's claims of people leaving from New York are backed up by the numbers.

Census Bureau figures released earlier this year saw New York City lose nearly 40,000 people to other metropolitan areas, such as the Dallas-Fort Worth-Arlington area in Texas and the Phoenix-Mesa-Scottsdale area in Arizona.

Additionally, many companies are leaving the Empire State, as well.

AT&T Services is relocating some of their operations from Syracuse, New York, down to Orange Park, Florida. Additionally, Kiss Products — who makes artificial fingernails — previously announced a move to New Jersey from their Long Island plant.

<https://ijr.com/donald-trump-people-fleeing-new-york/>

## Statesman: Trump praises Texas, slams New York

By Matt Zdun

July 2, 2019 10:33 AM

In a series of early morning tweets, President Donald Trump blasted New York and seemingly implored Americans to “move quickly to Texas, where they are loved.”

“People are fleeing New York like never before,” the president tweeted. “If they own a business, they are twice as likely to flee. And if they are a victim of harassment by the A.G. of the state, like what they are doing to our great NRA.”

The president continued his glowing endorsement of Texas, at the expense of New York, saying “Texas will defend them & indemnify them against political harassment by New York State and Governor Cuomo.”

New York and its governor and attorney general have been the butt of Trump’s tweets in recent days.

The president’s words align with Lt. Gov. Dan Patrick who has praised the state for attracting business owners and stealing away residents from states such as California.

Texas’ population continues to grow quickly, [adding more people than any other state](#)

<https://www.statesman.com/news/20190702/trump-praises-texas-slams-new-york>

## Brompton Heights Assisted Living

Spectrum News: 4 Charged, Fired from Brompton Heights Facility After Patient Walks Out

By Spectrum News Staff

July 2, 2019 4:52 PM

Four people responsible for caring for people at an assisted living home in Williamsville are accused of ignoring alarms and letting an elderly patient wander outside in freezing temperatures.

Personal care assistants George Stokes, LaQuanda Johnson, Caprice Newbern and medical technician Stephanie Shinault worked at the Brompton Heights Assisted Living Facility.

New York Attorney General Letitia James said Stokes was sleeping during an overnight shift in December 2017, leaving his hall unattended.

Investigators said during that time an 87-year-old woman, wearing only a nightgown, wandered out through an emergency exit.

The woman was found several hours later, nearly unconscious with hypothermia and frostbite.

The other three defendants are accused of ignoring the door alarm and taking their breaks at the same time.



Brompton Heights said all four people violated multiple policies and were immediately fired.

The four are charged with endangering the welfare of a vulnerable elderly person, which is a felony.

If convicted they face one to four years in prison.

The state Department of Health released a statement Tuesday, saying:

“The safety and wellbeing of assisted living residents is of paramount importance to the Department of Health. In Dec. 2017, we immediately began an investigation of this incident, which resulted in Brompton Heights being cited for multiple deficiencies. The Department will continue to hold providers accountable for their actions.”

Brompton Heights also issued a statement, saying:

“Brompton Heights has made significant strides in compliance and addressing concerns. Specifically, Brompton Heights has focused on training, staffing and fostering a culture of compassion. Doubling down on employee training, quality assurance, and recruitment are all ways Brompton Heights has paved a path forward to provide excellent care to each of our residents.”

<https://spectrumlocalnews.com/nys/buffalo/news/2019/07/02/brompton-heights-workers-fired-endangering-welfare-elderly-patient>

#### WGRZ: Four employees of Amherst assisted living facility facing charges

By WGRZ Staff

July 2, 2019 7:37 PM

Four employees from an assisted living facility in Amherst are accused of putting an elderly resident in harm's way.

An elderly resident wandered from the Brompton Heights Assisted Living Facility in December 2017 and was found after being outdoors for hours in freezing temperatures.

The New York State Attorney General's office says one of the employees, George Stokes, was asleep for four and a half hours during an overnight shift and the residential hall he was assigned to monitor was left unattended.

During that time, the 87-year-old resident, wearing only a nightgown, walked out through an emergency exit. Officials say she was found several hours later, nearly unconscious and suffering from hypothermia and frostbite.

According to the NYS AG's office, three other employees, Stephanie Shinault, Caprice Newbern and LaQuanda Johnson were working at a nurse's station in the wing where the resident resided.

Investigators say they allegedly muted or ignored the alarms that were set off when the resident left through the exit doors. It's alleged the three took their breaks together and then left at the same time knowing Stokes was still asleep.

"We will never tolerate neglectful behavior that puts our most vulnerable individuals in harm's way," said Attorney General Letitia James. "New Yorkers deserve every assurance that their loved ones are safe in the nursing homes they entrust with their care. Anything less is unconscionable, and my office will continue to hold those responsible accountable for their egregious actions."

All four employees were arrested last month and charged with felony Endangering the Welfare of a Vulnerable Elderly Person in the Second Degree and misdemeanor Endangering the Welfare of an Incompetent Person in the Second Degree.

They could face up to one to four years in prison if convicted of the felony charge.

Two On Your Side reached out to the assisted living facility for a comment. Here is the statement issued through a public relations firm hired to handle media requests. "

"Following a thorough investigation of the December 2017 incident, it was determined the former employees in question had violated multiple organizational policies – and the former employees were promptly terminated as a result. Brompton Heights has made significant strides in compliance and addressing concerns. Specifically, Brompton Heights has focused on training, staffing and fostering a culture of compassion. Doubling down on employee training, quality assurance, and recruitment are all ways Brompton Heights has paved a path forward to provide excellent care to each of our residents."

<https://www.wgrz.com/article/news/crime/four-employees-of-amherst-assisted-living-facility-facing-charges/71-6a5af223-9f4d-4080-9357-2b3bae55bd81>

## CPFB Overdraft Fees

Reuters: U.S. states urge CFPB not to dilute rule that limits bank overdraft fees

By Jonathan Stempel

July 2, 2019

The attorneys general of New York and 23 other states plus Washington, D.C. have urged the Trump administration not to roll back a decade-old federal rule that limits the ability of banks to charge overdraft fees when customers spend more than they have in their accounts.

In a letter to Kathy Kraninger, director of the Consumer Financial Protection Bureau (CFPB), that was made public on Tuesday, the attorneys general, all Democrats, called the rule an "overwhelming success" that should not be watered down or scrapped.

They said the rule has helped customers make informed decisions about whether to sign up for overdraft protection on automated teller machine and debit card purchases, and there was no reason to believe the rule has harmed smaller lenders.

"If the CFPB rolls back this rule, it would put hard-working people in harm's way by allowing banks to charge more overdraft fees, all in the name of corporate greed," New York Attorney General Letitia James said in a statement.

A CFPB spokeswoman said the agency will complete its review by November. The CFPB has moved in a more business-friendly direction under President Donald Trump, a Republican.

Issued by the Federal Reserve Board in 2009, the overdraft rule requires banks and other financial services companies to obtain permission before charging overdraft fees, typically around \$35, that could sock customers with big penalties on even small purchases such as a cup of coffee.

Consumer advocates believe the rule has helped many customers avoid being overburdened by fees. But some banking groups have said regulators should not impede their ability to offer overdraft services that customers want.

Banks collected more than \$11.45 billion in overdraft fees in 2017, according to the Center for Responsible Lending, citing Federal Deposit Insurance Corp data for banks with over \$1 billion of assets.

In a 2013 study, the CFPB found that the rule had materially reduced fees for many heavy overdrafters, but that customers with overdraft protection paid an average seven times more fees than customers who went without it.

The letter from the attorneys general, dated July 1, coincided with the end of a 45-day public comment period on the rule.

The CFPB is conducting its review pursuant to the Regulatory Flexibility Act, a 1980 law requiring federal agencies generally to assess the impact of their regulations on smaller businesses. (Reporting by Jonathan Stempel in New York; Editing by Bill Berkrot)

<https://finance.yahoo.com/news/u-states-urge-cfpb-not-202728464.html>

Daily Gazette: New York AG opposes changes to federal overdraft rules

By Gazette Staff Report

July 2, 2019

ALBANY — State Attorney General Letitia James said Tuesday she is leading a group of 25 state attorneys general in opposing any relaxation or elimination of the federal Overdraft Rule.

The federal Consumer Financial Protection Bureau is considering changes to the decade-old regulations on how financial institutions can charge customers for spending more money than they have in their account.

James said studies released by the CFPB have shown that median fees can cost as much as 68 percent of median overdrafted transactions — when the median overdrafted transaction was \$50, for example, the median fees charged were \$34.

James said CFPB data show that only about 16 percent of consumers have chosen to affirmatively opt into overdraft services under the Overdraft Rule, which has benefited millions of Americans and led to a significant reduction in the total number and amount of overdraft fees.

“If the CFPB rolls back this rule, it would put hard-working people in harm’s way by allowing banks to charge more overdraft fees, all in the name of corporate greed,” she said.

<https://dailygazette.com/article/2019/07/01/stefanik-delivers-keynote-address-at-gop-convention>

## Mobile Payments Today: NYS leads 25 state AGs opposing CFPB changes to bank overdraft rules

July 2, 2019

A coalition of 25 state Attorneys General led by New York State AG Leticia James have written a joint letter to the Consumer Financial Protection Bureau, stating their opposition to any rollback or modification of bank overdraft fee rules claiming it will hurt consumers.

The existing rules allow banks to charge overdraft fees for ATM transactions and debit purchases after they have been fully notified of the charges and after they opt in to use the services.

"If the CFPB rolls back this rule, it would put hard working people in harms way by allowing banks to charge more overdraft fees, all in the name of corporate greed," James said in a release from her office. "Consumers across New York deserve the chance to make informed decisions about their finances, so I urge the CFPB to give them the opportunity and create a more efficient and fair marketplace."

The rule, which originally went into effect in 2010, is based on the concern that consumers usually get overdraft services by default, but are not clearly informed of the rules under which they work.

<https://www.mobilepaymentstoday.com/news/nys-leads-25-state-ags-opposing-cfpb-changes-to-bank-overdraft-rules/>

## Debt Collection Scheme

Big News Network: New York debt collectors banned permanently after swindles

By Lola Evans

July 2, 2019

NEW YORK, New York - The company and individuals behind a New York-based debt collection scheme will be permanently banned from the debt collection industry under a settlement with the Federal Trade Commission and the New York Attorney General, who alleged that the parties bilked consumers out of millions of dollars by brokering and collecting on fake debts that people did not owe.

"We're proud to partner with the New York Attorney General in our efforts to clean up this industry and stop unlawful and abusive practices," Andrew Smith, Director of the FTC's Bureau of Consumer Protection said Monday.

According to the FTC's complaint, Hylan Asset Management, LLC, and its owners, Andrew Shaevel and Jon E. Purizhansky, bought, placed for collection, and sold lists of phantom debts, including debts that were fake or not authorized by consumers.

Hylan referred the fake debts to several collection agencies, including Worldwide Processing Group, LLC, which then illegally collected on them. Hylan continued to buy the portfolios and distribute them to third parties for collection even though it was repeatedly notified that consumers did not owe many of the debts, the FTC alleged.

Worldwide Processing similarly continued its collection efforts after consumers said they had never heard of the lenders and provided records to prove they owed nothing. Worldwide Processing also illegally contacted consumers' friends and family members about the purported debts and failed to make disclosures required by the Fair Debt Collection Practices Act. The complaint also alleged that Hylan purchased much of the debt from Hirsch Mohindra, a defendant in a separate FTC action who was banned from the debt collection business and from selling debt portfolios. Mohindra bought the debt from former payday loan generator Joel Tucker, who was banned from possessing or distributing sensitive consumer information, including consumer debt portfolios.

"Repaying debt is stressful enough without the added worry that collectors are faking bills," said New York Attorney General Letitia James. "Stopping this massive scheme is a win for every New Yorkers who no longer have to fear being swindled out of millions of dollars for phantom debts."

The order against the defendants involved in Hylan Asset Management bans the company and its owners, Shaevel and Purizhansky from debt collection activities, including buying, placing for collection, and selling debt. The order imposes a judgment of \$6.75 million, which is suspended due to inability to pay upon payment of \$676,575.

The order against the defendants involved in Worldwide Processing bans the company and its owner, Frank A. Ungaro, Jr. from engaging in unlawful collection practices. The order imposes a judgment of \$4.94 million, which is suspended due to inability to pay upon payment of \$118,000.

For both settlements, the full judgment will become due immediately if the defendants are found to have misrepresented their financial conditions.

The Commission vote approving the stipulated final order was 5-0. The FTC filed the proposed orders in the U.S. District Court for the Western District of New York.

<https://www.bignewsnetwork.com/news/261603302/new-york-debt-collectors-banned-permanently-after-swindles>

## Megamerger

Benzinga: Faber: T-Mobile, Dish A Step Closer To Finalizing Divestiture

By Tanzeel Akhtar

July 2, 2019 11:23 AM

Dish Network Corp DISH 1.39% and T-Mobile Us Inc TMUS 0.96% have agreed to a divestiture deal, which brings the two a step closer to gaining government approval of its merger along with Sprint Corp S 3.95%, according to CNBC's David Faber.

In June, New York Attorney General Letitia James and California attorney General Xavier Becerra filed a multi-state lawsuit with eight other state attorneys attempting to block the proposed \$26-billion merger of Sprint and T-Mobile.

According to Faber's latest report, there are still some issues the Department of Justice is actively focused on before it allows a deal.

Dish shares were trading up 1.7% to \$39.55 at time of publication on Tuesday. Sprint shares were trading up 4% to \$6.84, while T-Mobile shares were up 1.13 percent at \$74.99.

<https://www.benzinga.com/m-a/19/07/14018709/faber-t-mobile-dish-a-step-closer-to-finalizing-divestiture>

Jack'd

Urban CNY: [Attorney General James Announces Settlement with Dating App for Failure to Secure Private and Nude Photos](#)

By Urban CNY News

July 2, 2019

New York – New York Attorney General Letitia James today announced a settlement with Online Buddies, Inc. (Online Buddies) for failure to protect private photos of users of its 'Jack'd' dating application (app), and the nude images of approximately 1,900 users in the gay, bisexual, and transgender community. Although the company represented to users that it had security measures in place to safeguard users' information, and that certain photos would be marked "private," the company failed to implement reasonable protections to keep those photos private, and continued to leave security vulnerabilities unfixed for a year after being alerted to the problem.

"This app put users' sensitive information and private photos at risk of exposure and the company didn't do anything about it for a full year just so that they could continue to make a profit," said Attorney General James. "This was an invasion of privacy for thousands of New Yorkers. Today, millions of people across the country — of every gender, race, religion, and sexuality — meet and date online every day, and my office will use every tool at our disposal to protect their privacy."

Jack'd has approximately 7,000 active users in New York and claims to have hundreds of thousands of active users worldwide, and is marketed as a tool to help men in the LGBTQIA+ community meet and form connections, date, and establish other intimate relationships.

The Jack'd app's interface has explicitly and implicitly represented that the private pictures feature can be used to exchange nude images securely and, more importantly, privately. App users are presented with two screens when uploading photos of themselves: one for photos designated as "public" and another for photos designated for "private" viewership.

The app's public photos screen displays a message stating, "[T]ake a selfie. Remember, no nudity allowed." However, when the user navigates to the private photos screen, the message about nudity being prohibited disappears, and the new message focuses on the user's ability to limit who can see private pictures by specifically stating, "Only you can see your private pictures until you unlock them for someone else."

Online Buddies specifically violated the trust of its customers by breaking the app's user privacy policy, which says the company takes "reasonable precautions to protect personal information from...unauthorized access [or] disclosure." This agreement was crucially important with Jack'd users since 2017 customer polls showed that these customers cared most about privacy, partly in response to

increased bullying and hate crimes against the LGBTQIA+ community since the 2016 U.S. presidential election.

Privacy and security have proven to be especially important to users in the Black, Asian, and Latinx communities because of the greater perceived risk of anti-gay discrimination within each respective community. A June 2018 study by the University of Chicago surveyed a nationally representative sample of more than 1,750 young adults, aged 18-34, about discrimination, finding that 27-percent of whites reported “a lot” of discrimination against gays in their racial community, compared to 43-percent of Blacks, 53-percent of Asians, and 61-percent of Latinx. Approximately 80-percent of Jack’d users are individuals of color and had reason to fear discrimination from the exposure of their personal information or private photographs.

The investigation by the New York State Attorney General’s Office confirmed that Online Buddies failed to secure data — including users’ private photos — that the company had stored using Amazon Web Services Simple Storage Service (S3). The investigation also confirmed that senior management of Online Buddies had been told in February 2018 of this vulnerability, and of another vulnerability caused by the failure to secure the app’s interfaces to backend data. These vulnerabilities could have exposed certain personally identifiable information for Jack’d users, including location data, device ID, operating system version, last login date, and hashed password. Together, the culmination of these vulnerabilities created a risk of unauthorized access to a user’s private photos (which may have included nude images), public photos (which may have included the user’s face), and personally identifying information (including their location, device ID, and when they last used the app).

While Online Buddies immediately recognized the seriousness of its vulnerabilities, the company failed to fix the problems for an entire year, and only after repeated inquiries from the press. During the period that Online Buddies knew about the vulnerabilities but had not yet fixed them, the company also failed to implement any stopgap protections, establish logging to detect any unauthorized access, warn Jack’d users, or change representations about the privacy of their private photos and the security of their personally identifiable information.

Between February 2018 and February 2019, Jack’d had approximately 6,962 active users in New York State, of whom approximately 3,822 had one or more private photos. Given the sensitive nature of private photos, investigators within the New York State Attorney General’s Office did not review specific images and thus could not determine exactly what proportion of such photos were nudes. However, after conferring with those familiar with Jack’d and other similar apps, investigators gathered that roughly half — or approximately 1,900 Jack’d users in New York — had private images that could be nude photographs.

As part of the settlement with the New York State Attorney General’s Office, Jack’d will pay the state \$240,000, as well implement a comprehensive security program to protect user information and ensure that any future vulnerabilities are addressed promptly.

The case opened in February 2018 and was handled by Assistant Attorney General Noah Stein of the Bureau of Internet & Technology, under the supervision of Bureau Chief Kim A. Berger and Deputy Bureau Chief Clark Russell. The Bureau of Internet and Technology is overseen by Chief Deputy Attorney General for Economic Justice Christopher D’Angelo.



<https://www.urbancny.com/attorney-general-james-announces-settlement-with-dating-app-for-failure-to-secure-private-and-nude-photos/#>

Naked Security: Dating app Jack'd fined \$240K for leaving private photos up for a year

By Lisa Vaas

July 2, 2019

A \$240,000 fine has been imposed on Online Buddies, the company behind gay/bi/trans/curious dating app Jack'd – for leaving users' private, often nude, photos up for grabs for a year.

"Only you can see your private pictures until you unlock them for someone else," Jack'd promised, even after a researcher found that that was far from true. In fact, anyone with a web browser who knew where to look could access any Jack'd user's photos, be they private or public – all without authentication or even the need to sign in to the app.

The Office of New York Attorney General Letitia James on Friday announced the settlement, handed down for:

Failure to protect private photos of users of its 'Jack'd' dating application ... and the nude images of approximately 1,900 users in the gay, bisexual, and transgender community.

From the announcement

Although the company represented to users that it had security measures in place to safeguard users' information, and that certain photos would be marked 'private,' the company failed to implement reasonable protections to keep those photos private, and continued to leave security vulnerabilities unfixed for a year after being alerted to the problem.

The Attorney General office's release said that Jack'd – a dating app that claims to have hundreds of thousands of active users worldwide and which markets itself as a tool to help men in the LGBTQIA+ community to hook up and date – "explicitly and implicitly" assures users that its private pictures feature can be used to exchange nude images securely and privately.

The app interface presents users with two screens when they upload selfies: one for photos designated as "public" and another for photos designated as "private." That private page shouldn't be viewable to anyone for whom users haven't granted access.

The app's public photos screen displays a message stating, '[T]ake a selfie. Remember, no nudity allowed.' However, when the user navigates to the private photos screen, the message about nudity being prohibited disappears, and the new message focuses on the user's ability to limit who can see private pictures by specifically stating, 'Only you can see your private pictures until you unlock them for someone else.'

In February 2019, researcher Oliver Hough finally went public after having told Online Buddies about the security bug a year prior.

Not only could anybody get at users' photos, but the Jack'd app also neglected to have any limits in place: anyone could have downloaded the entire image database for whatever mischief they wanted to

get into, be it blackmail or outing somebody in a country where homosexuality is illegal and/or leads to harassment.

Given the sensitive nature of the photos that were exposed, publications including the Register chose to publish Hough's findings – without giving out many details – rather than leave users' content in danger while waiting for the Jack'd team to respond.

Photos were exposed for a year

The New York State Attorney General's Office conducted an investigation that confirmed that senior management had been told about the vulnerability – in fact, two vulnerabilities – back in February 2018.

Its investigation found that Online Buddies had failed to secure user data, including intimate photos, that it stored using Amazon Web Services Simple Storage Service (S3). Management had also been told about a second vulnerability that was caused by the failure to secure the app's interfaces to backend data.

The vulnerabilities could have exposed users' personally identifiable information (PII), including location data, device ID, operating system version, last login date, and hashed password. Combined, they also left the door open to attackers getting at private photos, public photos (that may have included the user's face), and other PII, including their location, device ID, and when they last used the app.

James's office said that the company knew how serious these vulnerabilities were, but that it was only after the press came knocking on its door that it acknowledged them. Jack'd fixed the problem the same day – 7 February 2019 – that Ars Technica reported about it.

It's not just Jack'd

Unfortunately, spilling highly personal data is more or less par for the course with mobile apps, including the often extremely sensitive personal data collected by, and shared via, dating apps.

Besides Jack'd, Grindr is an example: as of September 2018, the premium gay dating app was still exposing the precise location of its more than 3.6 million active users, in addition to their body types, sexual preferences, relationship status, and HIV status, after five years of controversy over the app's oversharing.

Another frightening example is that of Hzone, the dating site for HIV-positive people that was leaking sensitive user data in 2015.

Hzone showed the same lack of response after being notified that Online Buddies did: For days after being told about its leak, sensitive data was still vulnerable, including users' date of birth, religion, relationship status, country, email address, ethnicity, height, last login IP address, username, orientation, number of children, password hash, nicknames, political views and sexual life experiences, profile photos, and messages that often contained sensitive data about their diagnosis.

User beware

You always have to be careful about what sensitive data you share. You always need to bear in mind that data gets spilled. The type of data spilled by dating apps is of a particularly sensitive nature, though,

which makes it all the more concerning when those who promise to protect it and keep it secure do nothing of the sort.

User, beware. While any app or online service can have a leak or breach, a failure to timely respond to notification, plus a failure to put in safeguards after learning of that data breach, are a very bad sign.

<https://nakedsecurity.sophos.com/2019/07/02/dating-app-jackd-fined-240k-for-leaving-private-photos-up-for-a-year/>

## Conscience Rule

### Health Affairs: Provider Conscience Rule Delayed Due To Lawsuits

By Katie Keith

July 2, 2019

In early May, the Office for Civil Rights (OCR) within the Department of Health and Human Services finalized a new rule to expand and consolidate its enforcement authority over 25 federal health care conscience laws. The rule was scheduled to go into effect on July 22, 2019 but was immediately challenged by the city and county of San Francisco. Other lawsuits soon followed, and I am aware of at least six lawsuits challenging the rule.

After a flurry of activity last week, the Department of Justice (DOJ), on behalf of OCR, and the plaintiffs reached an agreement to postpone the rule's effective date by four months—to November 22, 2019. This will allow the parties more time to spar in court over whether the rule should be set aside.

#### Brief Background

The history of this rule dates, in part, back to December 2008. In the waning days of the Bush administration, OCR finalized a more limited health care conscience regulation on three federal provider conscience laws. The controversial rule was relatively short-lived: OCR issued a new proposed rule in March 2009 and ultimately rescinded much of the 2008 rule in February 2011.

In January 2018, OCR released a proposed rule to reverse and dramatically expand the 2011 rule by including additional federal laws under OCR's purview and adopting more requirements for covered entities. OCR received more than 242,000 comments on the proposed rule. Although the final rule was released by OCR in early May, it was not published in the Federal Register until May 21. The rule was to go into effect in 60 days, meaning it had an effective date of July 22.

Generally speaking, the rule allowed OCR to consolidate its authority over a wide range of federal conscience protections. These laws include the Church Amendments, the Coats-Snowe Amendment, the Weldon Amendment, three sections of the Affordable Care Act (ACA), the Helms Amendment, and a variety of other existing federal conscience provisions. OCR also expanded and newly defined many key terms—such as “discrimination,” “health care entity,” and “referral”—in a way that broadened the scope of its enforcement authority. The rule allowed OCR to use its full investigative and enforcement tools to enforce and redress conscience violations. This includes terminating federal funds, withholding federal payments, withholding new federal funds, and suspending award activities, which means that federal dollars are at risk for many covered entities.

Critics raised concerns that the rule elevates protections for health care workers who refuse to provide health services for religious or moral reasons by, for instance, allowing a pharmacist to refuse to fill a prescription for birth control or a mental health provider to refuse to see a patient who is transgender or in a same-sex relationship. Concerns were particularly raised about the rule's impact on access to care for women, religious minorities, sex trafficking victims, and lesbian, gay, bisexual, and transgender (LGBT) people. Commenters also raised questions about how the new rule would interact, or conflict, with other federal laws (such as the Emergency Medical Treatment and Active Labor Act (EMTALA) and Section 1557 of the ACA).

Once the rule is in effect, OCR is expected to take advantage of its new authority and enforcement tools. Beyond the final rule, OCR has restructured the Office to further focus on religious exemption and conscience laws. In 2018, OCR Director Roger Severino created a new Conscience and Religious Freedom Division. OCR requested more funding for this Division while proposing budget cuts for broader civil rights enforcement and overhauled its mission and vision statements to emphasize its role in protecting "conscience and free exercise of religion."

### The Lawsuits

As noted above, I am aware of at least six lawsuits challenging the new provider conscience rule. Three of the lawsuits—one led by New York Attorney General Letitia James, one led by the National Family Planning and Reproductive Health Association, and one led by Planned Parenthood—were filed in federal district court in the Southern District of New York. The other three suits—one filed by San Francisco, one led by Santa Clara County, and one filed by California Attorney General Xavier Becerra—were filed in federal district court in the Northern District of California.

San Francisco filed its lawsuit almost immediately after the rule was released; New York and California's challenges were filed on May 21, the day the rule was published in the Federal Register. The other suits were filed shortly after that.

The lawsuits generally ask that the rule be declared unlawful and invalid, that it be enjoined, and that its effective date be stayed. An injunction would prevent OCR from enforcing or otherwise implementing the rule. The plaintiffs' arguments differ somewhat based on the type of plaintiff (a government entity such as a state, city, or county versus a nonprofit advocacy organization). But, generally speaking, the plaintiffs assert that the rule is unconstitutional under the Spending Clause and the First and Fifth Amendments as well as unlawful under the Administrative Procedure Act (APA).

### Constitutional Claims

The plaintiffs assert that the rule violates the Establishment Clause of the First Amendment by creating expansive religious exemptions for health care employees at the expense of third parties. The rule essentially compels employers to change their business practices to conform to their employees' religious practices even at the expense of the business, other employees, or patients.

Second, according to the plaintiffs, the rule violates the Spending Clause. Among OCR's enforcement tools under the new rule, the Office could withhold or terminate federal funding or claw back federal funds if entities fail to comply with the final rule. The plaintiffs assert that the rule is coercive, vague, and ambiguous. The rule fails to provide adequate notice to federally funded entities of what conduct would result in the loss of funds. They also argue that OCR cannot impose "post-acceptance" or "after-

the-fact” conditions on federal funds and that the rule is not rationally related to the federal government’s interest in these federally funded programs.

The plaintiffs also argue that the rule violates the spending power. The spending power is vested in Congress rather than the executive branch. Here, the plaintiffs argue that OCR’s new conditions on federal funds violate the separation of powers doctrine. Only Congress can attach conditions to federal funds, and OCR is usurping Congress’s authority under the spending power.

#### APA Claims

The plaintiffs generally assert that the rule violates the APA because it is arbitrary and capricious, an abuse of discretion, not in accordance with law, and exceeds OCR’s statutory authority. The plaintiffs raise both procedural and substantive issues with the rule. Procedurally, OCR failed to consider and adequately respond to concerns about the rule’s potential harm to patients and made no attempt to account for the rule’s practical effects on the health care system. OCR relied on a flawed cost-benefit analysis, and its justification for the rule runs counter to key facts and evidence while relying on factors Congress did not intend for OCR to consider. The final rule also included new subsections of the definition of “discrimination” that were not included the proposed rule and for which no comments were solicited.

The rule’s definitions of terms such as “discrimination,” “health care entity,” and “referral” are confusing, vague, and arbitrary. These broad definitions leave plaintiffs guessing whether routine procedures or services would require additional steps to accommodate workers or patients. The rule also exceeds OCR’s authority under the various federal conscience laws. The definitions themselves are inconsistent with the federal laws they reportedly implement. In addition, the rule’s broad enforcement scheme—where OCR has the authority to withhold, deny, or terminate federal health care funds due to noncompliance—is not what Congress authorized or intended under federal law.

Finally, the plaintiffs assert, OCR failed to reconcile the rule with other federal laws. Many plaintiffs asserted that the rule conflicts with at least three federal laws, including EMTALA, Title VII of the Civil Rights Act, and Section 1554 of the ACA (which prohibits the Secretary of Health and Human Services from creating unreasonable barriers to medical care and impeding timely access to health care services, among other requirements). Some plaintiffs also highlighted conflicts with current Medicare and Medicaid statutes and Title X. And many of the non-governmental plaintiffs assert that the rule violates equal protection rights, the right to privacy and personal autonomy, and speech and expression rights.

#### The Delay in the Rule

The effective date of the final rule is officially delayed by four months—until November 22, 2019. This delay is designed to give the parties and the court time to consider a preliminary injunction and potentially resolve the case on the merits. A new briefing schedule has already been set in California; in New York, the parties have until July 10 to propose a briefing schedule. The rest of this post explains how the enforcement delay came about.

#### New York

As noted above, New York—leading a coalition of 23 states, cities, and municipalities—filed its lawsuit on May 21. The case was assigned to Judge Paul A. Engelmayer who, in light of the rule’s July 22

effective date, initially set a hearing for July 12. The two other cases filed in the Southern District of New York—led by Planned Parenthood and the National Family Planning and Reproductive Health Association—were both filed on June 11. The three cases were consolidated on June 26 before Judge Engelmayer.

Two days before its response was due on the plaintiffs' request for a preliminary injunction, the DOJ asked for an extension of time, to proceed on the merits, and for an alternate briefing schedule. As part of this request, the DOJ noted "a commitment not to enforce" the final rule until November 22, 2019 "at the earliest." This, the DOJ asserted, would give the court sufficient time to resolve the legal challenges to the final rule without risking potential harm to the plaintiffs. The plaintiffs opposed this proposal.

On June 27, Judge Engelmayer denied the DOJ's request. The briefing schedule would remain in effect until the government provided conclusive evidence that the rule's effective date was officially postponed or consented to a court order that would enjoin OCR from taking any action. This meant that the DOJ's filing was due the next day, on June 28. The DOJ then asked for an additional extension to July 1, which was also denied. Judge Engelmayer did suggest, however, that he would be willing to set a new briefing schedule if OCR officially postponed the rule's effective date to November 22.

In response, the DOJ and plaintiffs agreed to formally postpone the effective date to November 22. On the parties' request, Judge Engelmayer formalized this in an order issued on July 1. He also directed the parties to submit a joint letter on July 10 laying out a suggested briefing schedule and indicating whether the parties can agree on a proposed schedule to address the case on the merits.

The Christian Medical and Dental Association asked to intervene in the multi-state litigation. Although Judge Engelmayer delayed a ruling on this request, he will permit the Association to file an amicus brief on the request for a preliminary injunction.

## California

The litigation in California followed a similar pattern. As noted above, San Francisco filed its lawsuit immediately after the final rule was issued—on May 2. The case was assigned to Judge William Alsup in the Northern District of California. The Attorney General of California filed his action on May 21 and Santa Clara County, joined by LGBT service providers and physicians, filed on May 28. On June 13, the three cases were "related" to each other and reassigned to Judge Alsup, who set an initial briefing schedule with a hearing on July 17.

On June 28, the DOJ made a similar request to Judge Alsup to delay enforcement of the rule and extend the briefing schedule. The court granted this request on June 29 and, on July 1, issued a new briefing schedule. Briefs will be due between August 21 to October 10, and there will be a hearing on October 30.

<https://www.healthaffairs.org/doi/10.1377/hblog20190702.497856/full/>

## Diversity & Inclusion Office

Urban CNY: Attorney General James Announces Creation of Diversity and Inclusion Office  
By Urban CNY News

July 2, 2019

#### Sandra Grannum Appointed Head of Newly-Created Office

New York – Attorney General Letitia James today announced the creation of the first ever Diversity and Inclusion Office in the New York State Office of the Attorney General. Sandra Grannum has been appointed as the agency’s first Diversity and Inclusion Officer, and will lead the way to ensure that the agency better reflects the diversity of New York State.

“New York’s vitality is in its rich diversity,” said Attorney General Letitia James. “My office is deeply committed to creating an environment of acceptance and open-mindedness, both internally and throughout the state. The creation of the Diversity and Inclusion Office is an essential step towards that goal, and I am confident that Sandra Grannum will foster a diverse and inclusive workplace that truly represents the people we serve.”

“Diversity, equity, and inclusion have been the clarion call of Attorney General James throughout her career, and the urgency to heed that call is now greater than ever,” said Sandra Grannum, Esq., Diversity and Inclusion Officer, New York State Office of the Attorney General. “As she leads that effort from this office, I am honored and excited to be a part of the work that will impact the lives of so many New Yorkers.”

Grannum has been with the Attorney General’s Office for nearly 17 years. She has served as the Director of Legal Recruitment since 2007, overseeing the recruitment and hiring of all attorneys and managerial staff. In this role, she has expanded the Agency’s diversity efforts in recruitment, as well as developed and oversaw the Attorney General’s summer internship program. Additionally, Grannum launched a series of diversity programs for the office, which included hosting speakers and events highlighting Black History, PRIDE, Asian Pacific History, Hispanic History, and Women’s History Month. She previously served as Acting Bureau Chief and Deputy Bureau Chief of the Health Care Bureau.

Before her time with the Office of the Attorney General, Grannum had substantial experience in both the public and private sectors, including serving as the Vice President of Corporate Legal Affairs at Avanti Corporate Health Systems and as the senior law clerk for the Honorable George Bundy Smith at the New York State Court of Appeals.

Grannum is a graduate of Georgetown University Law Center.

<https://www.urbancny.com/attorney-general-james-announces-creation-of-diversity-and-inclusion-office/#>

Queens Daily Eagle: AG James creates first-ever Diversity and Inclusion Office

By Jonathan Sperling

July 2, 2019

State Attorney General Letitia James announced the creation of the first-ever Diversity and Inclusion Office in the Office of the Attorney General on June 27, paving the way for the statewide office to better reflect New York’s residents.



“New York’s vitality is in its rich diversity,” James said in a statement. “My office is deeply committed to creating an environment of acceptance and open-mindedness, both internally and throughout the state.

Attorney Sandra Grannum, a 17-year veteran of the state Attorney General’s Office and a Georgetown University Law Center graduate, will lead the new office, effective immediately. As the director of legal recruitment, Grannum has overseen the recruitment and hiring of all attorneys and managerial staff, while simultaneously expanding the diversity in regard to the agency’s recruitment efforts.

Grannum also launched an array of diversity programs at the office, including inviting speakers and hosting events to recognize Black History, PRIDE, Asian Pacific History, Hispanic History and Women’s History Month.

Before her time with the Office of the Attorney General, Grannum worked as the vice president of corporate legal affairs at Avanti Corporate Health Systems and as the senior law clerk for the Hon. George Bundy Smith at the New York State Court of Appeals. Smith was a former Freedom Rider who was arrested at an Alabama bus station in 1961.

“Diversity, equity, and inclusion have been the clarion call of Attorney General James throughout her career, and the urgency to heed that call is now greater than ever,” Grannum said in a statement following her appointment.

“As she leads that effort from this office, I am honored and excited to be a part of the work that will impact the lives of so many New Yorkers.”

<https://queenseagle.com/all/ag-james-creates-first-ever-diversity-and-inclusion-office>

Above The Law: [Celebrating Champions Of Diversity And Inclusion In The Legal Profession](#)

By David Lat

July 2, 2019 4:16 PM

When it comes to diversity and inclusion in the legal profession, there’s good news and bad news. The bad news is that there’s [still so much work to be done](#). The good news is that the profession is now focused on that work — and leaders of the bar are willing to take it on.

Last Wednesday, I had the pleasure of attending the [Diversity and Inclusion Celebration Dinner](#) of the Association of the Bar of the City of New York, where the organization bestowed its Diversity and Inclusion Champion Award upon two such leaders: [Juan Arteaga](#), a partner at Crowell & Moring, and [Lisa Linsky](#), a partner at McDermott Will & Emery (and, full disclosure, a longtime friend of mine). It was a beautiful and inspiring event — and it also served as a fundraiser for the [City Bar Fund](#), the nonprofit arm of the organization that supports the legal profession in advancing social justice (including, but not limited to, diversity efforts).

After welcoming remarks by [Deborah Martin Owens](#), Executive Director of Diversity and Inclusion at the City Bar, and [Roger Juan Maldonado](#), President of the City Bar, the organization paid tribute to Justice [Rosalyn Richter](#) of the Appellate Division of the New York Supreme Court, First Department. Two members of the Committee to Enhance Diversity in the Profession, [Kathy Hirata Chin](#) of Crowell & Moring and [Matthew Morningstar](#) of Morgan Stanley, praised Justice Richter, outgoing co-chair of the

Committee, for her tireless efforts to advance diversity in the profession. They noted that the past year has been a difficult one for Justice Richter — in September, she lost her wife, LGBTQ activist [Janet Weinberg](#) — but Justice Richter continued to work hard for the causes she cares about, including LGBTQ rights, diversifying the judiciary, and educating young people about law and the legal system.

Amid a standing ovation, Justice Richter took the stage. When she reached the podium, she joked about how long it took to make it up there in her walker — and thanked the City Bar for having a ramp leading up to the stage, without her even having to ask for it.

“I have the privilege of being an appellate judge, and so I now have the privilege of asking for things I was too scared to ask for as a young lawyer,” Justice Richter said. “We as a legal community need to stop having inaccessible events.”

esentations about the City Bar’s various [pipeline programs](#) devoted to advancing diversity, the 2019 Diversity and Inclusion Champion Award was presented to — and enthusiastically accepted by — Juan Arteaga and Lisa Linsky. Both delivered heartfelt and eloquent remarks focused on different aspects of diversity and inclusion.

Arteaga focused on immigration. He has done extensive pro bono work in the field, representing immigrants, including battered women and their children, in immigration and deportation proceedings. He told the story of one such case.

In 2017, he was asked to help a family of undocumented immigrants from Colombia who are now living in the United States. The oldest son applied for the Deferred Action for Childhood Arrivals (DACA) program, while the family pursued asylum claims.

The son received notification that he needed to be fingerprinted as part of the DACA application process — and he was terrified, afraid that the fingerprinting could result in him being taken into custody and deported. After much discussion and deliberation with his family, the son decided to go in for the fingerprinting. Arteaga accompanied him on that day.

On the day of the appointment, the son hugged his father in a parking lot a few blocks away from the fingerprinting site (because his father was not joining his son for that appointment, and understandably so). The son was shaking with fear as he hugged his father and told him how much he loved him. Neither father nor son was certain that the son wouldn’t be taken into custody for eventual deportation when he went in for the fingerprinting.

In the end, the son, accompanied by Juan Arteaga, had his fingerprints taken without incident. But the more Arteaga reflected on the episode, the more sad and angry he became. Immigrants shouldn’t have to live in such fear — and they shouldn’t have to endure the deplorable conditions and treatment at the border that have dominated the headlines as of late.

When it comes to immigration, Arteaga said, “We need to advocate for the values and principles that brought us here this evening. Our resolution of the immigration debate will determine the kind of nation we become.”

In her acceptance speech, Lisa Linsky focused on LGBTQ rights — appropriately enough, given that the dinner took place just a few days before the 50th anniversary of the [Stonewall riots](#) and the [WorldPride celebration](#) in New York. She talked about her work at McDermott as the first partner-in-charge of

Firmwide Diversity and partner-in-charge of LGBT Diversity and Inclusion — which she viewed as of a piece with the work she did in the Westchester County District Attorney's Office, as a prosecutor focused on sex crimes and child abuse. The common thread: advocating for people whose voices were not being heard.

Linsky did point out the progress made on LGBTQ equality in recent years. She noted that the dinner was taking place on a momentous date: June 26, the anniversary of both *United States v. Windsor* (2013), in which the Supreme Court struck down the Defense of Marriage Act, and *Obergefell v. Hodges* (2015), in which the Court ruled in favor of nationwide marriage equality.

But she also urged everyone not to become complacent. Just as electing an African-American president didn't mark the end of racism, the advent of marriage equality didn't mark the end of discrimination against the LGBTQ community. Instead, Linsky said, "We must continue naming — and resisting — the ways in which people continue to be excluded and oppressed."

The evening concluded with remarks from [Letitia "Tish" James](#), the 67th Attorney General of the State of New York, as well as the first African-American and first woman to be elected to the position. She began by invoking the now-infamous AP [photograph](#) of two migrants, a father and his young daughter, who drowned in the Rio Grande while trying to enter the United States.

"Caging individuals and separating families is not an immigration policy," she said. "It is man's inhumanity to man."

James then turned to the Census case, [Department of Commerce v. New York](#) — which her office litigated, and which the Supreme Court was going to rule on the next day.

"Let's hope the justices get it right," she said. "Let's hope they recognize the proposition that in this country, everyone should be counted."

<https://abovethelaw.com/2019/07/celebrating-champions-of-diversity-and-inclusion-in-the-legal-profession/>

## [Manhattan Times: AG creates diversity and inclusion office](#)

By Postmaster

July 2, 2019

Attorney General Letitia James has announced the creation of the first-ever Diversity and Inclusion Office within the State Office of the Attorney General.

Sandra Grannum, who has been with the office for 17 years, has been appointed as the agency's first Diversity and Inclusion Officer.

"New York's vitality is in its rich diversity," said Attorney General Letitia James. "My office is deeply committed to creating an environment of acceptance and open-mindedness, both internally and throughout the state. The creation of the Diversity and Inclusion Office is an essential step towards that goal, and I am confident that Sandra Grannum will foster a diverse and inclusive workplace that truly represents the people we serve."

Within the Attorney General's Office, Grannum has served as the Director of Legal Recruitment since 2007, overseeing the recruitment and hiring of all attorneys and managerial staff. In this role, she has expanded the agency's diversity efforts in recruitment. Additionally, Grannum launched a series of diversity programs for the office, which included hosting speakers and events highlighting Black History, PRIDE, Asian Pacific History, Hispanic History, and Women's History Month. She previously served as Acting Bureau Chief and Deputy Bureau Chief of the Health Care Bureau.

Before her time with the Office of the Attorney General, Grannum served in both the public and private sectors, including as the Vice President of Corporate Legal Affairs at Avanti Corporate Health Systems and as the senior law clerk for the Honorable George Bundy Smith at the New York State Court of Appeals.

"I am honored and excited to be a part of the work that will impact the lives of so many New Yorkers," said Grannum.

<https://www.manhattantimesnews.com/ag-creates-diversity-and-inclusion-officefiscal-general-crea-oficina-de-diversidad-e-inclusion/>

## LexisNexis

### Law360: States Reach \$6M Deal With LexisNexis Over Withheld Fees

By Carolina Bolado

July 2, 2019 7:49 PM

LexisNexis Risk Solutions Inc. agreed on Tuesday to pay \$5.8 million to resolve a suit in Florida federal court brought by various states and a city alleging that the data and analytics company wrongfully withheld fees from law enforcement agencies when reselling their automobile crash reports.

Under the terms of the settlement with New Jersey, New York, Illinois, Massachusetts, Tennessee and the city of Baltimore, the company and two affiliates will pay the withheld fees and discontinue the resale practice that stiffed local law enforcement agencies of fees owed under contracts with LexisNexis.

"LexisNexis failed to live up to the terms of its agreements and defrauded New York state agencies out of nearly a million dollars," New York Attorney General Letitia James said in a statement. "My office will continue to fight every day to guarantee businesses that partner with our state live up to their agreements and to ensure New York gets every penny it's owed."

The law enforcement agencies had contracts with LexisNexis to sell reports of automobile crashes to the company, which then resells them to individuals and to insurance companies for use in claims adjustment, according to the New York attorney general.

But the states said LexisNexis paid only for the first crash report sold and not for each other report resold as required by their contracts. An investigation determined that between June 2012 and May 2019, LexisNexis fulfilled requests for crash reports by searching its database and reselling the reports without paying the law enforcement agencies a fee for the sales, according to the New York attorney general.

The states say LexisNexis generated monthly reports for the agencies that understated total crash report sales.

The multistate investigation was prompted by a whistleblowing former LexisNexis employee who filed suit in the Southern District of Florida in 2018. The suit was filed under seal. The states filed a notice of intention to intervene in the case on Tuesday to notify the court that the parties had reached an agreement.

LexisNexis said in a statement that the company had a disagreement over the meaning of the language in the contracts with law enforcement agencies with regard to the crash reports.

"Although we disagreed with the interpretation of the contracts by the jurisdictions, ultimately we decided that rather than litigate, we would settle our disagreement in a way that benefited our law enforcement partners," the company said.

LexisNexis said this was not a case about fraud by any of its affiliates and that the deal includes no admission of wrongdoing or liability on the part of the company.

New Jersey is represented by Gurbir S. Grewal, Zachary N. Klein and Janine N. Matton of the Office of the Attorney General for the State of New Jersey.

Massachusetts is represented by Erin K. Staab and Jeffrey Walker of the Office of the Attorney General of the Commonwealth of Massachusetts.

Illinois is represented by Christopher Kim and Darren Kinhead of the Illinois Office of the Attorney General.

New York is represented by Laura Jereski of the Office of the Attorney General of the State of New York.

Baltimore is represented by Suzanne Sangree and Elizabeth Ryan Martinez of the Baltimore City Department of Law.

Tennessee is represented by Andrew B. Campbell of the Office of the Attorney General and Reporter for the State of Tennessee.

The relator is represented by Richard Celler of Richard Celler Legal PS, Ryon McCabe of McCabe Rubin PA, Philip Freidin of Freidin Brown PA and Lance A. Harke of Harke Law LLP.

LexisNexis is represented by Troutman Sanders LLP.

The case is U.S. v. LexisNexis Risk Solutions Inc. et al., case number 1:18-cv-20211, in the U.S. District Court for the Southern District of Florida.

<https://www.law360.com/newyork/articles/1175207/states-reach-6m-deal-with-lexisnexis-over-withheld-fees>

## Other

NY Times: N.R.A. Donor Directs a Revolt Against a 'Radioactive' Leader  
By Danny Hakim

July 2, 2019

NASHVILLE — Even as the National Rifle Association has been consumed by relentless and increasingly public infighting, Wayne LaPierre has maintained a firm grip on its leadership.

Now one of the gun group's major benefactors says he is preparing to lead an insurgency among wealthy contributors to oust Mr. LaPierre as chief executive, along with his senior leadership team. Such a rebellion would represent a troublesome new threat to Mr. LaPierre, as his organization's finances and vaunted political machine are being strained amid a host of legal battles, most notably the New York attorney general's investigation into its tax-exempt status.

David Dell'Aquila, the restive donor, said the N.R.A.'s internal warfare "has become a daily soap opera and it's decaying and destroying the N.R.A. from within, and it needs to stop." He added, "Even if these allegations regarding Mr. LaPierre and his leadership are false, he has become radioactive and must step down."

Until that happens, Mr. Dell'Aquila, a retired technology consultant who has given roughly \$100,000 to the N.R.A. in cash and gifts, said he would suspend donations — including his pledge of the bulk of an estate worth several million dollars.

Every Friday, get an exclusive look at how one of the week's biggest news stories on "The Daily" podcast came together.

He said he was among a network of wealthy N.R.A. donors who would cumulatively withhold more than \$134 million in pledges, much of it earmarked years in advance through estate planning, and would soon give the gun group's board a list of demands for reform.

That dollar figure could not be verified, however, and Mr. Dell'Aquila declined to provide a list of the other donors, who he said were not ready to go public. But a second prominent donor, who spoke on the condition of anonymity because he is a senior firearms industry executive, said he was also suspending a plan to give more than \$2 million from his estate, as well as halting other donations, and was backing Mr. Dell'Aquila's effort.

"The donors are rebelling," the executive said, adding that he believed that the leadership turmoil was "helping to destroy, temporarily, the strength of the N.R.A. as one of the strongest lobbying groups."

The extent of any rebellion is difficult to discern, and the N.R.A. insisted it still had the firm backing of its donor base. Mr. LaPierre has also retained the support of the N.R.A.'s 76-member board, with fewer than a handful of public defections, and it would take a two-thirds vote to oust him. But there have been signs of wavering grass-roots support, including a recent announcement by Greg Kinman, a gun enthusiast with more than four million followers on YouTube, that he was cutting ties with the N.R.A.

The turmoil of recent months has already stoked fear among some Republicans that the N.R.A.'s political potency could be blunted heading into the 2020 elections. In a tweet early Tuesday morning, President Trump assailed the investigation by the New York attorney general, Letitia James, saying the N.R.A. was "a victim of harassment by the A.G."

Carolyn Meadows, the N.R.A.'s president, said in a statement that "we are disappointed whenever donors choose to suspend their support of the N.R.A., but we hope to win them back." She added:

"People may resist change, but they embrace progress. We're experiencing that right now at the N.R.A. There's an energy within the N.R.A. that is hard to describe — and we continue to earn the support of millions of loyal members."

The group also provided statements from two of its largest donors, who are among those still backing Mr. LaPierre.

"We are sticking by the N.R.A.," said Dr. John Thodos, an orthodontist who lives in Florida. "They are the No. 1 fighter for freedom." John and Barbara Rumpel, Florida-based donors who have put their real estate in a trust to benefit the N.R.A., said they "support what Wayne and his team are doing." They added, "Getting through this New York issue is the top priority for the N.R.A., and they're working like heck to fight these malicious attacks."

The support of donors and the enthusiasm among N.R.A. members will be a crucial test for Mr. LaPierre, who has led the organization for more than two decades. Last month, Mr. LaPierre ousted his second-in-command, Christopher W. Cox, who led the gun group's lobbying arm; in April, the N.R.A.'s president, Oliver North, abruptly stepped down. Both men have been implicated by the N.R.A. in a plot to force Mr. LaPierre out, though Mr. Cox has denied the allegations. Mr. North has said the N.R.A. needs to review its financial practices; N.R.A. officials have said the split with Mr. North was largely a dispute over money.

Both Mr. Dell'Aquila and the second donor want Mr. Cox to return to the N.R.A. and become its chief executive.

"He brings continuity and stability," Mr. Dell'Aquila said, adding that Mr. Cox had emerged from the recent wave of scandals with cleaner hands than Mr. LaPierre. "We can get consensus with Chris replacing Wayne."

Mr. Dell'Aquila said he had not spoken to Mr. Cox about the matter and had not seen him since a fundraiser last year.

The N.R.A. is moving on from Mr. Cox and is expected to announce Tuesday that Jason Ouimet, a deputy at its lobbying arm, will assume Mr. Cox's former post, according to a person with knowledge of the appointment.

The N.R.A. has been burdened by high structural costs and escalating legal bills as it copes with the New York investigation and a bitter legal fight with its former advertising firm, Ackerman McQueen. The N.R.A.'s member dues fell in 2017 to their lowest level in a half-decade, as concerns about gun control ebbed after Mr. Trump's election, but they rebounded last year, increasing by a third, to \$170 million, while contributions grew by 24 percent to \$165 million.

Even so, the N.R.A.'s net assets fell sharply last year and the organization was forced to freeze its pension fund. It also took more than \$30 million out of its charitable foundation in 2017; it recently increased a line of credit, backed by the deed to its headquarters, to \$28 million; and it borrowed against life insurance policies taken out on top executives.

An avid hunter, Mr. Dell'Aquila, 58, was interviewed at his house in Nashville, sitting in front of a large stuffed black bear. He played offensive lineman for a year at Princeton before injuries ended his football career, and he once was featured in The Baltimore Sun for eating two 48-ounce steaks in one sitting at a



Shula's Steak House. He's been a member of the N.R.A. for about two decades, and considers himself a true believer. ("It's our Second Amendment, it comes after our First Amendment, it's what allows us to be a free country," he said.)

Mr. Dell'Aquila was listed in an N.R.A. publication as having pledged more than \$1 million, making him one of a small number of contributors at that level; he belongs to the Charlton Heston Ambassadors, a group for those who make large pledges of support, named for the actor and former N.R.A. president.

In a series of interviews and emails, Mr. Dell'Aquila cited numerous concerns. He was troubled that a former N.R.A. president, David Keene, had been caught up in an investigation over his ties to Maria Butina, the Russian who pleaded guilty to conspiring to act as a foreign agent. He was disturbed after The New York Times reported this year that Tyler Schropp, a senior N.R.A. executive, had an interest in an outside company that had received \$18 million from the N.R.A. He was also dismayed by a recent New Yorker story tying the N.R.A.'s former longtime chief financial officer to allegations of embezzlement at a previous job.

"I don't know if these stories are true or not true," he said. "My No. 1 concern, frankly only concern, is that our Second Amendment rights are preserved and the optics of negativity that are directly harming the N.R.A. institution ceases."

Mr. Dell'Aquila said he had approached high-ranking N.R.A. officials to express his dissatisfaction as recently as April, when the N.R.A. held its annual convention in Indianapolis, but was not satisfied by their responses. And he said the board had recently been removing critics of Mr. LaPierre from key oversight committees.

"I decided the best way to be effective is to start a grass-roots effort to demand from the N.R.A. leadership accountability as well as transparency," he said.

His demands include the resignation of Mr. LaPierre and his senior leadership in time to put in a new team for the 2020 elections. In addition to Mr. Cox's return, he wants Allen West, an N.R.A. board member and former Tea Party congressman opposed to Mr. LaPierre, installed as the group's president. (Some of Mr. Dell'Aquila's demands echo those of Mr. West and others.)

He would also shrink the board to 30 members from 76; stop paying consulting fees to board members; dismiss the N.R.A.'s accounting firm, RSM; remove past presidents from the board; and cut costs by holding meetings in central locations. He lamented that an upcoming board meeting was to be held in Alaska: "What are the optics of that?" he said. "It's negative. It's self-inflicted." He adding that the N.R.A. could find board members who "would do this for free, and it keeps us clean in the liberal papers."

Mr. Dell'Aquila said he had come to his decision reluctantly, and had always been treated graciously by Mr. LaPierre and his wife, Susan.

"I'm not pro-Mr. LaPierre, and I'm not anti-Mr. LaPierre, I'm just simply being objective and trying to save a historic institution from itself," he said. "Right or wrong, the buck stops with Mr. LaPierre, because this occurred underneath his leadership, and he's ultimately accountable."

<https://www.nytimes.com/2019/07/02/us/nra-donors-wayne-lapierre.html>

## AM New York: New York tenants worry new blacklist ban won't be enforced

By Sarina Trangle

July 2, 2019 8:45 AM

One after another, apartments in Jane Burbank's sights suddenly became unavailable.

At one potential rental, she was told a more financially qualified applicant had emerged shortly after her lease signing seemed imminent, she said.

At the next apartment, signing a formal agreement was a day away when the 69-year-old psychoanalyst said a background check showed she was in housing court a few years ago. That arrangement fell through, too.

Burbank told an unrelated broker the legal description was inaccurate, and though she said he understood, the broker indicated the landlord would never rent to her. Other potential offers simply disappeared.

"I was going to be homeless at the end of July," said Burbank, who noted she began apartment hunting in March and located her first potential apartment at the end of June. "We went to see so many things, even things I wasn't interested in ... they think you're a troublemaker, and they don't want to rent to you."

As part of [a rent law overhaul](#), the State Legislature banned the use of so-called tenant blacklists, databases listing Burbank and anyone else named in a housing court action — even in cases that tenants win — over the past seven years, according to lawyers who represent residents.

The measure, which was signed into law by Gov. Andrew M. Cuomo, prohibits landlords from refusing to rent or offer leases to such tenants because of their current or past involvement in housing court matters.

But tenant advocates and attorneys worry that the new prohibition may not be well enforced because only the attorney general can bring cases against landlords that do not follow the rule.

"I worry," said Carolyn Coffey, director of litigation for economic justice at Mobilization for Justice, which represents low-income New Yorkers. "There might be a false sense that this prohibition means that people are in the clear."

The Democratic majorities in the State Senate and Assembly did not respond to requests for comment.

Issues with the list go beyond their existence and extend to their accuracy and exhaustiveness. Avoiding getting into the databases is often easier than getting out of them, according to Burbank and her attorney, James Fishman.

Burbank said leaks in her Upper West Side apartment left her with mold and asthma. She said her housing development, which began transitioning from a rental to condo site in 2007, did not prioritize her and other rent-stabilized residents' maintenance requests.

To incentivize repairs, Burbank began paying rent into an escrow account and filed a lawsuit in 2015 seeking to compel the landlord to address mold, mice, a lack of cooking gas and insufficient heat and hot

water, court records show. The owner, then an LLC affiliated with Time Equities Inc., countersued over the unpaid rent, court documents show.

The disputes were settled in a July 2017 agreement, in which Burbank agreed to move out by the end of September 2017 provided the landlord paid her \$250,000, according to court filings.

Burbank's building needed boiler and gas infrastructure upgrades, which impacted rent-regulated residents as well as condo owners, according to Seth Coston, director of residential asset management and operations at Time Equities Inc., which owned her apartment and developed the condos. Coston said he believed there were issues gaining access to Burbank's apartment to conduct repairs.

"It's, in our opinion, a more complex matter than she's making it sound," Coston said.

Burbank, who relocated quickly in 2017 and says her credit score is 800, has found the market far less hospitable this time around. Tenant screening reports have suggested her case is pending, rather than settled, Fishman said.

"It was reported as an open case, which is certainly more pejorative than a case that was resolved," Fishman said. "Also that the case was settled, without her being evicted, is certainly more mitigating than a case that ended up in her being evicted."

A document formally declaring the case concluded was delayed and ultimately filed last month, Fishman said. It included a clause noting the landlord had consented to the expungement of any record of the case with tenant screening bureaus or credit rating agencies.

Fishman's office sent a copy of the document to eight or nine tenant screening bureaus, requesting that they erase the case from their records, or at a minimum, accurately report that the matter was concluded. He said his team has not directly heard from any of the firms.

"The thing they keep getting wrong is that they think it's enough to simply report that there was a case, and the resolution or disposition of the case is really kind of an afterthought," Fishman said.

Fishman and other advocates have spent years highlighting hurdles faced by those in tenant screening report databases. In 2012, [the state announced](#) it would no longer sell streams of housing data with tenants' names. But Lexis continues to dispatch people to housing courts, where they mine public records for data that is then purchased by third parties and, as recently as 2014, used by some [650 tenant screening bureaus across the nation](#), Fishman said.

Part of the enforcement issue for the new law is that the new prohibition is written in a way that would require residents to show screening reports were the sole reason — rather than one of multiple factors — in a lease denial, Fishman said.

The measure would also not allow private attorneys to sue over the lists, lawyers said. When the law goes into effect in mid-July, tenants must rely on the attorney general's office, which could seek between \$500 and \$1,000 per infraction.

"That's a real slap on the wrists for most landlords," said Coffey.

Attorney General Letitia James' Office declined to comment.

The new rule prohibiting the lists, coupled with another new provision limiting security deposits to no more than one month's rent, will prompt many landlords to minimize their risks in other ways, according to Adam Frisch, Lee & Associates Residential NYC's managing principal, who handles broker duties for about 40 buildings in the city.

"I just changed my policies to require two landlord references — your past landlord and the landlord before that," Frisch said, adding that landlords are also discussing raising rent for some riskier tenants. "We were asking \$3,500 let's say. For you, the price is going to be \$3,800 to mitigate your credit. And that way if there's any issue, we'll get more rent earlier in the lease to mitigate any issue that comes afterwards."

The Real Estate Board of New York, a lobbying group for developers and landlords, did not respond to requests for comment.

Frisch said the lawmakers' use of the term blacklist suggests the real estate industry conspires to keep out tenants on one central database, when most consider several factors in tandem with tenant screening reports. Many do not immediately dismiss prospective renters with a legal history, Frisch said.

"The common practice has been to investigate," Frisch said. "I would always say to them, 'Listen, there's something odd on your credit. Can you explain it?'"

Enforcement will be key to empowering renters, according to Carmen Vega-Rivera, a tenant leader with Community Action for Safe Apartments New Settlement in the Bronx.

Vega-Rivera, 65, said she collaborated with about a dozen neighbors to [engage in a rent strike at 888 Grand Concourse in 2016](#), and sue the prior owner over neglected repairs. Jonathan Bombart, a member of the firm that owned the building at the time, could not be reached for comment.

Vega-Rivera said it was difficult to convince some to get involved, in part, because of anxiety about being blacklisted. She could not fully counter their concerns, especially as someone who once received a notice in the mail indicating a landlord had reviewed tenant screening reports about her history in housing court.

"I've gotten rejection letters, not knowing if it was based on the blacklist," said Vega-Rivera, who has been applying to units for disabled New Yorkers through the city's affordable housing website for years. "I'm not going to let it stop me."

<https://www.amny.com/real-estate/tenant-blacklist-ban-1.33255395>

Law 360: Bitfinex Returns \$100M To Tether Amid NY AG Proceeding

By Philip Rosenstein

July 2, 2019 8:42 PM

Bitfinex has repaid \$100 million of up to \$700 million loaned to it by Tether, the cryptocurrency exchange announced Tuesday, as the companies wrangle with the New York attorney general over the nature of the initial credit facility.

The transaction completed on Monday was not yet due, but is a result of the company's "financial position," according to the company. The transfer was made in fiat currency and included all accrued interest up to the end of June on the entire loan facility, Bitfinex said.

Bitfinex, Tether and iFinex, which has ownership interests in the two companies, have been locked in a legal battle with New York Attorney General Letitia James' office for allegedly defrauding New York investors.

James' office filed an ex parte order against iFinex, Bitfinex and Tether in late April seeking to freeze a \$900 million line of credit, up to \$700 million of which has purportedly been used, between the two companies that Bitfinex allegedly needed to cover \$850 million in mysteriously lost or stolen deposits.

The initial order obtained by James required the halting any further "dissipation" of U.S. dollars used to back Tether and sought documents and other information related to a November subpoena served on Bitfinex and Tether.

The order was eventually narrowed with a 90-day time limit after proceedings before a different New York Supreme Court judge. According to court documents, James' office must respond to the companies' motion to dismiss by July 8.

Although they deny the allegations, the companies said the case, purportedly filed to "protect New York investors," fails on a jurisdictional level because James' office targeted two businesses "that have nothing to do with New York investors — the businesses do not allow New Yorkers on their platforms and do not advertise or otherwise do business here."

"Making matters worse," they continued, James' office proceeded with the case under the Martin Act, New York's law providing the attorney general with wide powers to combat securities fraud. However, the products that the supposed victims purchased — called tethers — don't qualify as "securities" under the U.S. Supreme Court's 1946 *Howey* decision, the companies said.

A tether is what the industry calls a "stablecoin" — a cryptocurrency designed to have little price volatility and that is often pegged, as is the case with tethers, to a fiat currency. These stablecoins are purchased for their functionality rather than as an investment; tethers are used on the Bitfinex platform to facilitate other virtual currency transactions, so purchasers of tethers have no expectation of profiting from them, the companies said.

"Because tethers are neither commodities nor securities under the Martin Act, and because Bitfinex and Tether have not directed advertisement, purchase, or sale of tethers within New York, this special proceeding should be dismissed for lack of subject matter jurisdiction," the companies said.

James, on the other hand, claimed Bitfinex and Tether have "defrauded New York investors," and outlined that her office has been unable to determine the full extent of the exposure investors in New York might have to the alleged fraud.

According to James' office, Bitfinex moved more than \$1 billion of "wrongfully co-mingled client and corporate deposits," which included some from New York, to Panama-based Crypto Capital Corp. in 2018. Bitfinex chose to move its money to Panama due to the unwillingness of trusted banks "anywhere in the world" to take deposits and process withdrawal requests from its clients, James' office said, adding that no contract was ever signed between Bitfinex and Crypto Capital.

Later, in 2018, after executives at the companies began to speculate that Crypto Capital had stolen or lost the funds, the shortfall was covered by a minimum of \$700 million that was supposed to be used to maintain the purported 1-to-1 U.S. dollar reserves backing Tether's cryptocurrency, the attorney general's office claims.

Bitfinex and Tether have resolutely denied the allegations in James' "highly inflammatory and misleading" order, insisting the funds were not stolen or lost but rather partially seized by authorities, and that the credit line was set up to ensure "protection of the market."

Robert Schwinger, a commercial litigator with Norton Rose Fulbright, suggested to Law360 that the repayment of the \$100 million to Tether could prove a boon to the companies in the ongoing proceedings.

Given that part of the companies' argument is that New Yorkers have not suffered any harm as a result of the credit facility, even partial repayment "lessens the likelihood that a problem might arise going forward that might undercut this argument," Schwinger said.

"Bitfinex also argues that the AG can only stop 'ongoing violations' and so can't sue if the complained-of actions have been discontinued," Schwinger said. "Repayment may enable Bitfinex to argue that they are now getting past the situation and moving in the right direction, which thus may help in fending off an injunction or similar order."

Bitfinex and Tether did not respond to requests for comment. Counsel for the companies declined to comment.

The New York attorney general's office did not respond to a request for comment.

<https://www.law360.com/newyork/articles/1175142/bitfinex-returns-100m-to-tether-amid-ny-ag-proceeding>

Crain's New York Business: Medallion fiasco mirrors housing crash, but response doesn't  
By Justin Brannan

July 2, 2019 11:58 AM

In the thousands of words written about New York's taxi medallion crisis, experts have rightly blamed everything from predation to greed. Since an explosive City Council hearing last week, others have cited outdated rules and blatant hypocrisy.

But what has generally flown under the radar is that this mess has the same smell of the subprime mortgage crisis from a decade ago.

The similarities are eerie. The mortgage crisis resulted from financial misbehavior and neglected oversight, which combined to hurt working people the most. Bad loans were knowingly given to folks who'd struggle to pay them, which helped artificially raise home prices and create a bubble in the economy.

The parallels continue. It wasn't just that banks targeted folks who couldn't afford homes. Communities of color were specifically taken advantage of, as were immigrants, including undocumented ones. No

doubt that plan involved going after people who couldn't read English and didn't understand the terms they were agreeing to. Borrowers were pressured with irresponsible incentives to walk into risky deals, leading to debt that was easy to obtain but impossible to pay off.

The medallion crisis took the worst of these tactics and added to them. Cab drivers were forced to forfeit legal rights, subjected to massive fees and found themselves in interest-only deals—all as conditions to acquire medallions they thought they could later sell to retire on. One commentator summarized it nicely when she said the crisis was a mixture of “poorly informed borrowers, falsified loan documents ... prepayment penalties and other abusive features as well as out-right fraud.”

Another fact which can't be ignored is how lenders fared during this meltdown. It's simply unthinkable that, while nearly 1,000 drivers went bankrupt and others took their own lives, bankers, credit union execs and their lobbyists enjoyed lives of exorbitant luxury. Granted, some credit unions were seized because of their bad loans, but the general picture is a group of financial institutions getting rich at the expense of defenseless people.

As with the housing crash, the damage will play out for years. Driver debt is still piling up, vulnerable people are still being targeted and, as my colleague Councilman Ritchie Torres showed, more instances of abdicated responsibility will likely be found.

We cannot just sit idle, hoping that victims recover and that institutions don't repeat their sins. Probes by Torres, Attorney General Letitia James and others are critical, but more must be done to hold bad actors accountable. Pending these investigations, city and state forces should prosecute illegal lending where it happened and remove public officials who knowingly abdicated their responsibilities to protect drivers.

The state should also pass legislation punishing lenders who discourage legal consultation, and compel financial institutions to provide better disclosures of borrowers' rights and information about language-interpretation services. Finally, the City Council must put in place rules that prevent future internal warnings from being ignored and study the feasibility of driver reparations.

It also matters that we correctly identify the culprits. This mess was created by people in the financial world motivated by bad incentives and unmoved by empathy. Blaming the drivers is victim-shaming, and fingering ride-hail companies (who must nonetheless be well-regulated) is beside the point. We know who inflated the bubble, and they must pay a price. We must also honestly recognize the failures of government officials. From regulatory agencies to elected officials, it's vital that we hold ourselves to a higher standard.

The mortgage crisis led to a wave of reflections and change. White papers and columns were written. Government hearings and academic conferences were held. Lawmakers at all levels of politics pushed for reforms and passed many of them.

New York's medallion crisis must create a similar response. Now more than ever, inaction is not an option.

<https://www.crainsnewyork.com/op-ed/medallion-fiasco-mirrors-housing-crash-response-doesnt>



## Urban CNY: Governor Cuomo Calls on DFS to Investigate Claims that Advertisers Use Facebook Platform to Engage In Discrimination

By Urban CNY News

July 2, 2019

Governor Andrew M. Cuomo today called on the Department of Financial Services to investigate reports that state-regulated advertisers are using Facebook, Inc.'s advertising platform to discriminate against protected classes.

"The allegations against Facebook advertisers are extremely troubling and fly in the face of everything that New York stands for," Governor Cuomo said. "I am calling on the Department of Financial Services to investigate these claims and help ensure that New Yorkers seeking housing for themselves and their families are not discriminated against in any way. We will take aggressive action and ensure that those who are behind these reprehensible alleged practices are held fully accountable."

"We are taking action to fully uncover the deeply concerning allegations being made against Facebook," said Lieutenant Governor Kathy Hochul. "Our state will not tolerate any form of discrimination and will actively work to ensure fairness and equality for all New Yorkers. This investigation is an important step forward to protect people's rights."

Financial Services Superintendent Linda A. Lacewell said, "DFS is committed to ensuring that all New Yorkers are protected and not discriminated against, no matter whether they're engaging in social media apps or simply opening a bank account. The Department will investigate Facebook advertisers to examine these disturbing allegations and we are prepared to take whatever measures necessary to make certain that all financial services providers are in compliance with New York's stringent statutory and regulatory consumer protections."

According to reports, Facebook's advertising platform allows advertisers to modify or block ads using ZIP code information to exclude consumers based on race, color, national origin, religion, familial status, sex and disability, among other classifications. Facebook touts its advertising platform as a powerful means for housing and housing-related advertisers to reach desired consumers. In addition to the specific tools made available to advertisers, Facebook also allegedly uses machine learning and predictive analytics to categorize users to project each user's likely response to a given ad, which may recreate groupings defined by their protected class.

Senator Kevin Thomas, Senate Chair of Consumer of Affairs Committee, said, "Large social media platforms have unprecedented access to our personal data. It is critical that we take a proactive approach in protecting our private data and preventing digital discrimination. I applaud Governor Cuomo for recognizing the seriousness of this issue, and for taking action to ensure that our personal data is not being used in deceiving and discriminatory ways. I am confident that DFS will work to address this critically important issue and continue to promote the protection of consumer privacy across New York State."

### New York's Consumer Protection Initiatives

Under Governor Cuomo's administration, New York has taken regulatory and legislative action to ensure the protection of consumers across the state. In March, the Governor announced a new law limiting

debt collections against deceased debtors and their families following reports that debt collection companies have tried to use techniques to pressure relatives for payments. Under the amendment, debt collection companies can no longer make any misrepresentation about the family's obligation to pay the debt.

Earlier this year, the Governor also launched an education initiative for the digital age, including an examination of the terms of service and privacy policies of popular web applications and services, following reports that Facebook secretly accessed personal information of users. In February, Governor Cuomo directed the New York Department of State, Department of Financial Services and other state agencies to investigate these reports and urged federal regulators to also take action to protect the rights of consumers.

In May, the Governor called on the New York State Department of Financial Services and the New York State Department of Taxation and Finance to investigate TurboTax, H&R Block and other major tax return preparers following recent reports that these companies allegedly used Google advertisement and website features to deceptively hide additional tax filing options from low-income individuals who are eligible to file their taxes for free.

In January, the Governor issued a consumer alert warning New Yorkers about a bug in the Apple FaceTime app that reportedly allowed users to receive audio and video from the device of the person were calling even before the person accepted or rejected the call. Governor Cuomo, in partnership with Attorney General Letitia James, immediately took action and announced an investigation into the privacy breach, directing New Yorkers to contact the Department of State's Division of Consumer Protection to report consumer complaints.

In addition, as part of the FY 2020 Enacted Budget, the Governor signed legislation passed by the legislature implementing sweeping reforms for licensing companies servicing student loans held by New Yorkers. The protections require that they meet standards consistent with the laws and regulations governing other significant lending products. The new statute also ensures that no student loan servicers can mislead a borrower or engage in any predatory act or practice, misapply payments, provide credit reporting agencies with inaccurate information, or any other practices that may harm the borrower.

In the wake of data breaches at credit reporting agencies such as Equifax that exposed the private data of millions of New Yorkers, the Department of Financial Services—at the Governor's direction—issued a final regulation requiring agencies with significant operations in New York to register with DFS for the first time and to comply with New York's first-in-the-nation cybersecurity standard. The regulation also provides the DFS Superintendent with the authority to deny, suspend and potentially revoke a consumer credit reporting agency's authorization to do business with New York's regulated financial institutions and consumers if the agency is found to be out of compliance with certain prohibited practices.

<https://www.urbandcny.com/governor-cuomo-calls-on-dfs-to-investigate-claims-that-advertisers-use-facebook-platform-to-engage-in-discrimination/#>

SC Magazine: New York Legislature passes bill that toughens breach notification standards

By Bradley Barth

July 2, 2019

The New York State Legislature last month passed [The Stop Hacks and Improve Electronic Data Security \(SHIELD\) Act](#), which is intended to strengthen the state's data security laws by more explicitly defining when and how businesses must notify the public and attorney general of a data breach incident.

The proposed legislation, introduced by State Senator Kevin Thomas (D) and Assemblymember Michael DenDekker (D), now sits on the desk of Governor Andrew Cuomo, awaiting his signature.

Under current law, businesses must disclose a breach only when it is reasonably believed that an unauthorized person acquires certain personal and private information. But SHIELD would lower the threshold so that the reasonable belief that someone merely accessed the information is enough to require a notification.

"This distinction could be especially significant in the ransomware context in which private information may not be stolen, but nonetheless may be accessed in a way that would now constitute a data breach and may trigger notification obligations," explained Joseph Moreno, a partner in Cadwalader, Wickersham & Taft LLP's White Collar Defense and Investigations Group, in an [analysis](#) posted by Mondaq.

Moreover, the new law would vastly expand the pool of companies that must follow these notification regulations. Current law applies only to parties conducting business in New York, but under SHIELD, any entity that deals in private info of New York residents must comply.

SHIELD also would add biometric information, as well as email addresses in combination with corresponding passwords or knowledge-based answers, to the list of private data that would require notification, if accessed alongside users' personal information.

The legislation, which was passed on June 17, also states that "any person of business that owns or licenses computerized data which includes private information of a resident of New York shall develop, implement and maintain reasonable safeguards to protect the security, confidentiality and integrity of the private information..."

Examples of technical safeguards include solutions that allow individuals or organizations to assess risk in network design, software and data management, and detect, prevent and respond to attacks. Examples of physical safeguards include secure processes for information storage and disposal; intrusion detection, prevention and response; and data disposal.

SHIELD also specifies that small businesses will be held to data security standards that are reasonable based on their size and complexity, the nature of their activities, and the sensitivity of the data they collect.

"Consumers deserve the peace of mind that their private information is secure," said Attorney General Letitia James in a recent [press release](#). "This bill is an important step forward providing greater protection for consumer's private information and holding companies accountable for securing that data."

"It is critical that our laws keep pace with the rapidly changing world of technology," said State Sen. Thomas in the same release. "I am proud to announce the passage of the SHIELD Act... as it will allow for

increased accountability and diligence in regards to consumer privacy. Now more than ever, it is important that businesses protect the private information of the consumers they serve.”

“This bill will ensure that businesses across the state dutifully guard consumer data and will enable the Attorney General’s Office to take the appropriate measures quickly and effectively in case of a breach,” added Assemblymember DenDekker in the release. “With the passing of the SHIELD Act, consumers’ private information will be more secure than ever.”

<https://www.scmagazine.com/home/security-news/new-york-legislature-passes-bill-that-toughens-breach-notification-standards/>

## Chabad.org: Criminal Justice Summit at Columbia Inspired by the Rebbe’s Teachings

By Dovid Margolin

July 2, 2019 9:47 AM

A single statistic tells the tale: With a prison population of nearly 2.2 million people, the United States—home to just 4.4 percent of the world’s population—holds around 22 percent of the world’s incarcerated individuals, and has the world’s highest per capita prison population, followed by El Salvador, Turkmenistan, Thailand and Cuba. Granted that some countries (Cuba, China, North Korea, Iran) are most certainly underreporting their prison statistics, that still doesn’t leave the United States, a beacon of hope and freedom since its founding, in very good company. It wasn’t always this way; in the last 40 years, America’s incarcerated population has increased by 500 percent, leading to what is now commonly referred to as [mass incarceration](#).

In a country deeply politically divided between right and left, few issues of the day draw as much broad consensus in the United States as the need for transformational criminal justice reform that would reduce the incarcerated population while enhancing safety. A key to the solution may come from the growing concern being expressed by voters. The American Civil Liberties Union’s Campaign for Smart Justice recently found that although traditionally viewed as a “progressive” issue, 78 percent of likely voters, including 72 percent of Republicans, are more likely to vote for a candidate who supports criminal justice reform. The problem has become so endemic that—once too dangerous to address lest a candidate be accused of being “soft on crime”—it is now no longer the third rail of American politics.

These days, many people from across the political spectrum and at all levels within the criminal justice system are working hard to bring about change. On June 17-18, some 400 of them—leading jurists, including federal and state judges, district attorneys, members of Congress, probation and parole officers, academics and activists—gathered in Manhattan for the landmark Rewriting the Sentence summit on alternatives to incarceration. Hosted by Columbia Law School, the summit was organized by the Chabad-Lubavitch-affiliated Aleph Institute, the leading Jewish organization caring for the incarcerated and their families. Partners included the American Bar Association Criminal Justice Section, the ACLU, the American Conservative Union Foundation, the National Association of Criminal Defense Lawyers and R Street, among other organizations.

“This is an opportunity to gather different constituencies in the criminal justice system to try to really put the humanity back into sentencing and to make sentencing more proportionate to mitigate the

harm,” U.S. Circuit Judge Bernice D. Donald of the Sixth Circuit Court of Appeals and chair of the summit [told Chabad.org](#). “As [Rabbi \[Sholom\] Lipskar](#) [founder of the Aleph Institute] mentioned, the sentencing process doesn’t just affect the defendant, but it affects the family and the whole community. Sometimes, we are, through the sentencing process ... disregarding the humanity of the person and the potential productivity of that person. We can’t incarcerate our way out of our issues.”

Indeed, the fact that society can neither police nor incarcerate its way out of the deeply rooted underlying societal dysfunctions that result in crime was a constant theme in the teachings of the [Rebbe, Rabbi Menachem M. Schneerson, of righteous memory](#), who directed Lipskar to establish the Aleph Institute back in 1981. At the time, crime rates were rising in the United States, and by the end of that decade new Federal Sentencing Guidelines—coupled with strict mandatory minimum sentences for a wide swath of crimes, most of them nonviolent offenses—were the response.

The Rebbe, whose 25th anniversary of passing will be marked on [Gimmel Tammuz](#), which corresponds to July 6 this year, consistently rejected such an approach, stating unequivocally that a foundational moral education was the antidote to the root problem. Prisons, the Rebbe noted on a number of occasions, could only be useful if they first and foremost underlined the essential humanity and potential for good of each incarcerated individual—that they are “just as human as the prison guards,” [the Rebbe stressed in a 1976 talk](#). The goal of incarceration, he said, should be to re-educate and rehabilitate those convicted of crimes, preparing them to re-enter society as soon as possible so they could return to their individual missions in the world.

In those early days of the Aleph Institute, Lipskar, young and inexperienced in the alternate universe that is the prison system, met with Judge Jack B. Weinstein, former chief judge of the U.S. District Court for the Eastern District of New York. Weinstein, who still serves on the bench, recognized the Rebbe’s vision. “Your Rebbe is ahead of the curve,” he told Lipskar.

In 1989, as Weinstein prepared to testify before the Federal Sentencing Commission, he came to the Rebbe together with Lipskar, telling the Rebbe that he would be sharing his views on imprisonment with the commission.

“You will support my views also, not only report my views?” the Rebbe asked Weinstein, who answered in the affirmative.

“May G-d Almighty bless you to go from strength to strength,” the Rebbe continued, “and to reach the time when there will be no prisons, only preventative education to prevent people from going astray from the right way.”

“They didn’t listen,” a still-spry Weinstein recently told Chabad.org, referring to the Federal Sentencing Commission.

#### ‘An Extremely Serious Problem’

In the context of the Rebbe’s revolutionary outlook on the very concept of criminal justice, Aleph has been at the forefront of alternative sentencing—pioneering, for example, the use of electronic monitoring.

Aleph’s goal has always been to find a better way to balance society’s need for safety and justice than merely by sending more people convicted of crimes away for longer terms of imprisonment, which had

resulted in America's record incarceration rates. The organization's activism has helped change the fate of hundreds of thousands of individual prisoners, both Jews and non-Jews; in fact, [Aleph played a key role in the successful passage of the 2018 First Step Act](#), the most consequential overhaul of the U.S. criminal justice system in a generation. The Rewriting the Sentence summit was yet another crucial step towards the Rebbe's vision of a better and more just world, and the realization of the concept that every human being has a [Divine spark](#) within them and a singular role to play in this world.

"We are dealing with an extremely serious problem because we are not dealing with a few hundred people, we're dealing with millions ... ," explained Lipskar in his opening remarks at the summit. The criminal justice system incarcerates more than 2 million people. Even once they are released, they face more than 170 federal restrictions on their freedom, called "collateral consequences," and on average 1,000 state "collateral consequences," including limitations or prohibitions on voting, public education and housing, and businesses and occupational licenses.

The devastating impact of incarceration extends to the estimated 10 million children in the United States who have experienced parental incarceration—an ordeal that statistically has an acute impact on their own chances of ending up within the criminal justice system.

"... We're talking about millions of children and families who are totally discarded, not dealt with properly," stressed Lipskar "They don't have the social support that's necessary, the educational support that's necessary. They're looked down upon; they're embarrassed about their position."

The solution, he and others repeated over the next two days, is not a minor fix.

"We need to rethink it," he stated.

#### The Divine Spark

Judge Jeremy Fogel, immediate past director of the Federal Judicial Center, spent 37 years on the bench, serving at the local, county, state and, most recently, as a U.S. District Judge for the Northern District of California. He also served as director of the Federal Judicial Center, the research and educational agency of the judicial branch of the federal government, from 2011 until his 2018 retirement from the bench. At that position, Fogel, who delivered the summit's keynote address, oversaw the center's work which includes what is colloquially termed "Baby Judges School," a crash course offered to newly appointed federal judges where they learn the fundamentals of the awesome responsibilities their lifetime appointments confer on them. While it's not mandatory, the vast majority of new federal district judges take the course.

Recognizing the vital importance of Rewriting the Sentence, the Federal Judicial Center funded travel for some 25 federal judges to attend.

Now serving as the first executive director of the Berkeley Judicial Institute, Fogel's wide-ranging address focused on the fundamental changes the American criminal justice system requires. But he also warned of the difficult road ahead, and the necessity of realistic expectations and recognizing that not all ideas are in fact effective or good ones.

"... There is a Divine spark within every human being ... , a spark that is present within every genuine connection between people ... ," said Fogel. "... When I first heard about the Aleph Institute and its commitment to transforming the way we think about criminal justice, particularly our approach to

incarceration, it was deeply reassuring to encounter the Divine spark again. It is a concept that affects not only the way we see people, but also how we relate with them. A truly transformative approach to criminal justice requires not only an abstract respect for every person, but also a genuine openness to meeting each person where he or she is and experiencing our common humanity ... .”

In the Rebbe’s [pioneering formulation of this idea](#), he explained that the goal of prison—[although not a consequence ever prescribed by the Torah](#)—“should not be punishment, but rather to give him the chance to reflect on the undesirable actions for which he was incarcerated. He should be given the opportunity to learn, improve himself and prepare for his release ... .”

Over the Aleph summit’s two days, dozens of panelists doing innovative work in all areas of the criminal justice system presented alternative educational programs, including drug rehabilitation, job training and restorative justice initiatives that help those convicted to understand the consequences of their actions by meeting with victims and families, and engaging in meaningful community work. And yet, the Rebbe always pointed out—and as Fogel echoed—that education could not do its job without the underlying respect for and acknowledgement of the human soul.

“In order for [education and improvement] to be a reality, a prisoner must be allowed to maintain a sense that he is created in the image of G-d,” the Rebbe stressed. “He is a human being who can be a reflection of G-dliness in this world.”

It has taken the U.S. criminal justice system decades of devastating experience and loads of data to start taking this core concept seriously.

“With few exceptions,” Fogel stated, “people who have spent time in prison are most likely to succeed outside only if they can find a deeper place within themselves, only if they can see themselves and the people around them in a different way. They need to gain, or regain, a sense of their intrinsic worth, not as a vague idea, but as a physical and spiritual reality ... .”

#### New Approaches to Sentencing and Parole

The term “penitentiaries” as a name for prisons is unique to the United States, tracing back to the beginning of the 19th century. It was meant to connote places of penitents, where convicted individuals could consider and repent for their past actions before returning to society. Instead, in recent decades, prisons have become punitive facilities. The probation and parole system has experienced a similar trajectory; going from an institution meant to either keep a person out of prison or ease re-entry back into society to a system that all-too-often sends those convicted straight back to the facilities from which they had been released or which probation was meant to avoid. Despite the stated goal of correction and rehabilitation, data from the Bureau of Justice Statistics show that within three years, a full 68 percent of released prisoners are rearrested.

In other words, the system’s not working.

But it’s not only the correctional facilities that are to blame; they are part of a much larger system that has grown and developed over time. Radical change—some activists are seeking to cut incarceration numbers by 50 percent, which, according to The Sentencing Project, would take until 2093 at current decarceration rates—means drawing together all elements of the criminal justice system.



Fogel's keynote was followed by a panel of federal judges titled "Judicial Practices: Creative Approaches to Sentencing," which was moderated by Aleph's Rabbi Yossi Bryski, who directs the organization's Alternative Sentencing Division, and whose panelists were Judge Fredric Block, U.S. District Judge, Eastern District of New York; Judge Virginia Phillips, chief U.S. District Judge, Central District of California; Judge Esther Salas, U.S. District Judge, District of New Jersey; and Judge Brooke Wells, U.S. Magistrate Judge, District of Utah. In an animated discussion, each presented alternatives to prisons they had successfully pioneered in their own courtrooms.

Wells, for example, spoke about mental-health courts set up in her district, while Phillips described her California district's CASA program, or Conviction and Sentencing Alternatives, formed in 2012 via a partnership between the then-chief judge, the chief public defender and the then-U.S. State's Attorney. Geared towards individuals whose criminal activity—limited most often to drug and financial crimes—belies an underlying issue, the program includes drug rehab, if necessary, community service and educational requirements. Designed to reintegrate offenders into society, successful graduates of CASA's track one have their charges dismissed, while those on track two are sentenced to probation.

"I'm going to encourage everyone in this room to start incorporating a change within your own professional life ...," Salas told the audience. Describing her sentencing process, Salas explained, "I want to come up with a sentence that is sufficient but not greater than necessary to address our concerns. I can tell you that if anyone says, well, these programs, they're soft on crime. We're talking about avoiding recidivism; protecting the public, and how do you do that? You do that by addressing the problem. ... There's changes that I've made, many more I'd like to try. But we have to try ... ."

Block, who quipped that he was Judge "Feivel" Block when at an Aleph event, discussed collateral consequences at length, which are enacted by federal and state legislatures, and the need for both prosecutors and defenders to discuss pertinent consequences the convicted may face. Taking the state of Oregon as an example, he read out a partial list of collateral consequences that those convicted in the state faced, including being ineligible to be Black Bear Cougar agent for the department of fish and wildlife, ineligible for telemarketer registration, ineligible for an acupuncturist license and, crucially, ineligible to receive free public education, among many others—709 in Oregon in all.

"There are 94 district courts, only 24 with alternative sentencing programs ... where are the other 70 district courts that have not yet embraced any concept of alternatives to sentencing?" asked Block. "Hopefully, because of the Aleph Institute, it's important to become aware of where we are at, how much further we have to go and to hope that when we gather here next time ... , all of the judges of all of the district courts in the United States will have embraced concepts of alternatives to incarceration."

### The Why of Crime

Sentences are rendered by judges, who have it within their power to experiment with alternatives to incarceration, and active conversations took place throughout the two days of the conference, notably during the interactive mock-sentencing workshop given by Judge Nancy Gertner, a former U.S. District Judge for the District of Massachusetts, and today a professor at Harvard Law School. Gertner has been working closely with Aleph for years.

During the judges panels, presenters spoke of their approaches—all of them underscoring the need to look at each case individually and each defendant as an individual. Yet mandatory minimum sentencing

laws first enacted in the 1980s have often made this difficult, sometimes impossible. These minimums, dictated by Congress from Washington, D.C., often took the power to sentence on a case-by-case basis away from the judge, applying a one-size-fits-all solution to disparate individuals. The First Step Act has eased some of those burdens, and yet there's still a long way to go.

The facts are that whether wittingly or not, harsh mandatory minimums have disproportionately impacted the African-American community. Until 2010's Fair Sentencing Act, minimums for crack cocaine offenses, a drug more common in black urban areas, carried far more severe automatic punishments than powder cocaine, a drug more often found in white suburbs. Among other factors, this has contributed to a glaring racial disparity in the U.S. prison population.

Just as criminal justice reform in general is popular across the political divide, a later panelist, Udi Ofer, director of the ACLU's Campaign for Smart Justice, pointed out that 75 percent of all likely voters, including 67 percent of Republicans, were more likely to support candidates who pledged to reduce racial disparities in the criminal justice system.

Ofer's panel, "Systemic Reform and the Role of Advocacy," was moderated by Michael Troncoso, director of criminal justice at the Chan Zuckerberg Initiative, and included Ofer, The Sentencing Project's Kara Gotsch and Marc Levin, of the conservative-leaning Texas Public Policy Foundation and Right on Crime.

"I think at the end of the day, and [the ACLU's] polling reveals this, there may be differences in language ... " with how those on the right and left discuss criminal justice reform, explained Right on Crime's Levin, "but we all want to get to the same place of fewer people in prison, more public safety, more people working and taking care of their families. So I think that resonates just as well in Oklahoma as it does in San Francisco."

Gertner's presentation cut more closely to the roots of the problem. Before beginning her case study, She shared her belief that decreased incarceration was not a criminal justice goal any more than more incarceration was. She also noted that while sentencing guidelines have taken away much discretion from judges, more discretion was only a beginning towards an actual solution.

"Criminal justice policy has to do with the kinds of issues people have been talking about today, which is the 'why?' of crime, the 'how?' of crime, not just more or less ... ," she said. While for judges, the key is "education."

#### Think Different

The same way true reform goes beyond implementing changes within prisons and jails, and beyond the work judges do, every aspect of the criminal justice world has a role to play to create meaningful change. One summit highlight was a panel of three recently elected district attorneys: John Creuzot of Dallas County, Texas; Lawrence Krasner of Philadelphia, Pa.; and Rachael Rollins of Suffolk County, Mass. Krasner discussed changing the metrics by which his office measures success, focusing for example on the reduction of recidivism instead of the most common benchmark in the system: win rate.

Aside from the district attorneys, panels incorporated conversations on pretrial and probation—panels that included Christine Dozier, chief pretrial services officer for the district of New Jersey, and Mark Gjelaj, deputy chief U.S. probation officer for the eastern district of New York—and alternatives in the mental-health arena. Letitia James, attorney general of New York, also shared her own remarks

Among the most moving moments was a conversation reflecting on the passage, and more importantly, on progress in implementation of the 2018 First Step Act, which sailed through both houses of Congress and was signed into law by President Donald Trump at the end of December. The co-sponsors of the House bill, Rep. Doug Collins (R-Ga.) and Rep. Hakeem Jeffries (D-N.Y.), were joined on stage by [Matthew Charles](#), one of the first people released under the First Step Act.

Charles, today a criminal justice fellow at FAMM (Families Against Mandatory Minimums), received a 35-year sentence for selling crack to an informant, serving more than two decades in federal prison—where he turned his life around—before gaining early release in 2016. Federal prosecutors appealed his release, citing previous felonies, and an appeals court was forced to order him back to prison after he had been free for two years, ruling that he needed to complete his initial sentence. Charles returned to federal prison before once again being released in January of 2019.

“When Matthew came to see us in January, literally, when I hugged him, I cried,” Collins shared. “Because how many times do you actually put a piece of legislation—and I made this comment to the president, I said, ‘Mr. President, when you sign this bill, it’s not simply lines on the pages, its faces behind the lines’—and how many times do you get to hug the face? ... This was a very special moment that should be celebrated and implemented ... but if we’re not able to say we kept our promise on this part and get it implemented properly, it’ll be almost impossible to get to the next level.”

The First Step Act was spearheaded by a group of Chassidic activists led by MosheMargareten, who nearly a decade ago teamed up with the Aleph Institute to promote transformational reform legislation that incentivizes educational programs by offering time-reduction and places a premium on human dignity. The congressmen on stage were well-aware of this fact, as was Charles, who, at the conclusion of the summit, [ventured together with Margareten to the Rebbe’s resting place in Queens](#), known as [the Ohel](#), to say thank you for the First Step Act, a direct result of the Rebbe’s vision that continues to inspire Margareten and the other Chassidic activists.

## The Vision

A summit like Rewriting the Sentence, bringing together such a wide-ranging group of thought leaders and players in the criminal justice system, is rarer than an outsider might think, according to participants.

“A two-day conference like this is astounding. It’s an extraordinary achievement for everyone who was behind putting this together,” said Professor Doug Berman, an attendee and panelist who authors the widely read and cited Sentencing Law and Policy blog.

“There can be at times an inclination for people to just get tired of thinking hard about it. ‘I’m never going to solve the problem of crime, I’m never going to solve the problem of punishment, so I’m just going to follow the [sentencing] guidelines,’ ” Berman, who also teaches at the Moritz College of Law at The Ohio State University, explained. “That’s why these things are so important, to take folks who can sometimes get jaded, whether judges, prosecutors or defense attorneys—the system can grind you down just because of the challenges. So just to be able to be refreshed and see other people energetic and presenting ideas and eager to talk about their experiences can be an incredible change agent ... .”

Among the future steps are new and currently progressing pieces of legislation at all levels, and pilot programs being launched. At the conference, Aleph’s Hanna Liebman Dershowitz also announced the

creation of their newest initiative, the Center for Fair Sentencing, which will aim to be a clearinghouse for the best policy initiatives from around the country.

Aside from the broad political consensus on display at the summit, the common thread tying the entire conference together was the basic concept of the irreplaceable [human soul](#) championed by the Rebbe. A video of the Rebbe speaking about prisons had a palpable impact on the room—men and women who through experience have seen the Divine spark within each person flickering even in the darkest of places.

In the aftermath of John Hinckley's attempt on President Ronald Reagan's life in 1981, the Rebbe discussed the fact that if children are [not given a moral foundation](#), a basic grounding in the idea that there is more to life than math, science, English and history—many individuals who go through the criminal justice system are not provided even that—then they will grow to feel they can outsmart their parents and the police, all to the detriment of society and even worse, themselves.

Society, the Rebbe stressed, cannot jail its way out of its issues. Each person is accountable before G-d and thus important, and has an obligation to fulfill his or her mission in this world. Society must do everything to assist all of its members in fulfilling that mission, whether children in public schools (who would be helped, for example, by a [Moment of Silence](#)) or the incarcerated adults some children unfortunately one day become.

"The summit's objective was to inspire the key decision-makers to think about the process differently, to appreciate the humanity of everyone in the system," explained Rabbi Zvi Boyarsky, Aleph's director of constitutional advocacy. "Participants had the opportunity to hear firsthand about programs that can really turn people's lives around. These are really Torah values—ideas taught to us by the Rebbe and based on his values."

"Teshuvah (return to G-d through repentance) is essentially a matter of inner felt resolve," the [Rebbe wrote in a pre-Rosh Hashanah letter addressed to prisoners in 1977](#), "sincere regret of the past and firm commitment for the future ... the good resolutions that a person resolved deep in his heart, are known and revealed to the Supreme King of kings, blessed be He, who has given assurance that 'nothing stands in the way of Teshuvah,' and grants the requests accordingly ... ."

Through a sincere contemplation of their past deeds and a firm resolve for the future, the Rebbe explained, it would also bring about "a change for the good in your present situation, by rousing compassion and amnesty in the hearts of those in authority who determine your status to speed up your freedom (in the plain sense), so that you can conduct your daily life at peace and inner freedom with yourselves and with society ... ."

[https://www.chabad.org/news/article\\_cdo/aid/4427408/jewish/Criminal-Justice-Summit-at-Columbia-Inspired-by-the-Rebbs-Teachings.htm](https://www.chabad.org/news/article_cdo/aid/4427408/jewish/Criminal-Justice-Summit-at-Columbia-Inspired-by-the-Rebbs-Teachings.htm)

## National

Washington Post: House Democrats sue Trump administration over president's tax returns

By Jeff Stein and Rachael Bade

July 2, 2019 12:32 PM

House Democrats filed a lawsuit Tuesday in federal court seeking access to President Trump's tax returns, accusing the Trump administration of an "extraordinary attack" on Congress in preventing the disclosure of the president's personal financial records.

Rep. Richard E. Neal (D-Mass.), chairman of the House Ways and Means Committee, filed the lawsuit against the Internal Revenue Service and the Treasury Department after months of feuding with the administration over the returns.

Treasury Secretary Steven Mnuchin and IRS Commissioner Charles Rettig, who have denied Democrats' demands for the returns, are named as defendants.

"Defendants have mounted an extraordinary attack on the authority of Congress to obtain information needed to conduct oversight of Treasury, the IRS, and the tax laws on behalf of the American people who participate in the Nation's voluntary tax system," the 49-page lawsuit states.

Mnuchin in May rejected a subpoena issued by Democrats on the committee. That rejection pushed Neal to seek a court battle that legal experts say might go all the way to the Supreme Court, given the central questions it poses about the scope of Congress's ability to oversee the White House.

The move also intensifies the expanding conflict over a range of oversight questions between Congress and the Trump administration, which has invoked privilege and sought to stonewall Democratic lawmakers' investigations.

"This is a big deal that goes to the core of our government's checks and balances, and could for many years shape the relationship between the executive and legislative branches," said Steve Rosenthal, a legal expert at the Tax Policy Center, a nonpartisan think tank.

House Democrats and legal experts have pointed to a 1924 law that explicitly gives lawmakers the authority to seek the records, but the Trump administration has characterized Neal's request as a partisan maneuver to embarrass his political opponents. Mick Mulvaney, Trump's acting chief of staff, has said Democrats will "never" see Trump's returns.

Trump refused to release his tax returns during the 2016 presidential campaign in a break with decades of precedent from previous presidents. He has told advisers he is willing to take the fight over his returns to the Supreme Court, and he has publicly argued that the tax returns were an issue in the 2016 election but that because he won they should no longer be of concern.

Neal first demanded six years of Trump's personal and business returns, from 2013 to 2018, in letters to the administration in April. Trump has claimed he cannot release his tax returns because he is under audit.

"Numerous investigative reports have revealed that President Trump, through the complex arrangements of his personal and business finances, has engaged in multiple aggressive tax strategies and decades-long tax avoidance schemes," the lawsuit states. "Congress and the Committee, however, have thus far been unable to evaluate the President's claims about the IRS's audit process or to assess if and how President Trump has been able to take inappropriate advantage of the tax laws."

Neal's subpoenas to Mnuchin and Rettig requested the IRS turn over Trump's individual income tax returns, all "administrative files" such as affidavits for those income tax returns, and income tax returns for a number of Trump's business holdings such as the Donald Trump Revocable Trust, an umbrella entity that controls dozens of other businesses, including the Mar-a-Lago Club in Florida.

It is unclear how long it might take for the federal courts to rule on the lawsuit. Neal has faced pressure and some criticism from House Democrats for waiting until July to file the lawsuit, with some liberal lawmakers expressing frustration that the lawsuit could fail to reveal Trump's returns before the 2020 presidential election.

House counsel Douglas Letter told lawmakers during a closed-door briefing last month that the lawsuit could continue into 2020, according to Rep. Daniel Kildee (D-Mich.).

Several lawmakers, Kildee said, are "anxious about the tax return issues" and want a ruling fast. But Letter, he said, suggested it could drag out into next year, going all the way up to the Supreme Court.

"It was sobering, that some of this could take a long time ... that's my characterization of what he said," Kildee said of Letter's presentation, though he didn't give timelines. "The problem of course is, especially in the case of the federal courts, they do their own thing. They set their own calendar."

[https://www.washingtonpost.com/business/2019/07/02/house-democrats-sue-trump-administration-over-presidents-tax-returns/?utm\\_term=.cffe71e2e5a2](https://www.washingtonpost.com/business/2019/07/02/house-democrats-sue-trump-administration-over-presidents-tax-returns/?utm_term=.cffe71e2e5a2)

## Talking Points Memo: What Exactly Is Going On With Mike Pence's Abrupt Return To The White House?

By Kate Riga

July 2, 2019 12:17 PM

In the immediate aftermath of his abrupt cancellation of an event in New Hampshire, the reasons for Vice President Mike Pence's reversal are still unknown.

The White House has stayed mum on why Pence was called back to the White House, declining to elaborate at all on the reason for the change of plans.

Officials would not even provide clarity on whether or not Pence was already midair in Air Force Two when he was called to return.

According to the Boston Globe, Massachusetts committeeman Tom Mountain said that Secret Service told him President Donald Trump ordered Pence back to Washington mid-flight.

ABC News' Meredith McGraw reported on Twitter that Pence was on his plane but that it never took off:

White House spokesman Judd Deere echoed the message from the Vice President's office, almost word for word. He did not provide any on the record answers about the President's health, or rumors that Russian President Vladimir Putin has just called an emergency meeting.

"VP's office has already commented on this," he told TPM. "Something came up and the VP needed to be in D.C. – there is no cause for alarm."

The Vice President is reportedly in the White House now.

<https://talkingpointsmemo.com/news/pence-cancelled-event-plane-diverted-washington>

Washington Post: A Facebook group for border agents was rife with racism and sexism. Now DHS is investigating.

By Eli Rosenberg, Robert Moore, Mike DeBonis and Katie Mettler

July 2, 2019 1:22 PM

EL PASO — Federal officials are investigating whether agents participated in a private Facebook group for Border Patrol employees that hosted racist, sexist and sexually violent memes about immigrants and officials such as Rep. Alexandria Ocasio-Cortez.

Matthew Klein, an assistant commissioner at U.S. Customs and Border Protection, called the Facebook group's posts "disturbing" and said that the inspector general of the Department of Homeland Security, of which CBP is a part, began an investigation after a report by the investigative site ProPublica.

The posts on the private group, which says it is for current and former Border Patrol agents, included caustic remarks about the deaths of migrants, sexually explicit images edited to include images of Ocasio-Cortez (D-N.Y.) and xenophobic asides and comments, according to ProPublica.

The Washington Post was not able to confirm the existence of the group, called "I'm 10-15," after the law enforcement code for "aliens in custody." The private group is not visible to people who are not members.

"Where Old Patrol meets New Patrol," the group described itself, according to images ProPublica shared. "We are family, first and foremost. This is where the Green line starts, with us."

Some of the memes shared on the group's page that ProPublica reported on include a photo illustration that depicts Ocasio-Cortez being forced to give oral sex to President Trump. Another depicted her giving oral sex at a detention center for immigrants, ProPublica reported.

On a post about a 16-year-old migrant who died in Border Patrol custody, group members responded with comments such as, "Oh well," and "If he dies, he dies."

One commenter talked about starting a fundraising site to support a Border Patrol agent to throw burritos at Ocasio-Cortez and another lawmaker, Rep. Veronica Escobar (D-Tex.), who were part of a Democratic delegation that on Monday visited Border Patrol stations in El Paso and Clint, Tex., as well as an El Paso facility for children operated by the Department of Health and Human Services.

Lawmakers decry migrant center conditions, slam 'vulgar' Facebook posts by border agents

A group of lawmakers criticized conditions at the U.S. Customs and Border Patrol station in Clint, Tex., following a visit to the center July 1. (AP)

Before the tour, several members of the delegation asked their hosts in a private briefing whether they would be safe inside, said Rep. Pete Aguilar (D-Calif.).



The airing of the attacks in the private Facebook group, Aguilar said, made it even more difficult for congressional overseers to trust the Border Patrol as the federal government works to address the surge of migrants at the U.S.-Mexico border.

“It’s very tough to back them up when their active and retired members are part of this Facebook page,” he said in an interview. “Even if it’s a very small percentage, it’s unfortunate they harbor some very dark imagery and very dark thoughts about migrants and members of Congress.”

The Congressional Hispanic Caucus organized the trip after conditions at the Clint facility prompted an outcry last month, with lawyers who visited describing scenes of hundreds of sick and dirty children without their parents and inconsolable toddlers in the care of other children.

During Monday’s visit to Clint, lawmakers saw only about two dozen migrant children being held there, down from about 700 in May, Aguilar said. Members expressed more-pointed concerns about the El Paso facility, where they said several hundred people were still detained.

They described a visit with a group of more than a dozen Cuban women housed in a crowded cell without running water who reported going weeks without showers. Though the delegates’ cellphones were confiscated, Rep. Joaquin Castro (D-Tex.), the caucus’s chairman, managed to bring in a recording device on which he captured photos and video of the women.

Ocasio-Cortez said one woman said she was told by Border Patrol officers to drink out of a toilet. “And that was them knowing that a congressional visit was coming,” the visibly angry lawmaker said in an interview. “This is CBP on their best behavior, telling people to drink out of the toilet.”

Rep. Judy Chu (D-Calif.), another member of the delegation, echoed Ocasio-Cortez’s description in an account posted to Twitter and said the conditions at the facility were “appalling and disgusting.” Rep. Madeleine Dean (D-Pa.) called them indicative of a “human rights crisis.”

A DHS official, who was not authorized to discuss the visit and spoke on the condition of anonymity, insisted that no Border Patrol agent would make a migrant in custody drink from a toilet and said there was water available.

Rep. Joaquin Castro (D-Tex.) tweeted a video July 1 showing women in Border Patrol custody in El Paso, Tex. (Rep. Joaquin Castro)

Aguilar and others said the revelations surrounding the Facebook group — which came to light during the morning visit to the HHS facility — colored the visits later in the day to the Border Patrol sites.

“It shocks the conscience that these agents are entrusted with the lives of anybody in their custody, much less vulnerable people,” Castro said. “And the vulgar xenophobia and sexism is clearly pervasive.”

The Facebook group confirmed “some of the worst criticism of Customs and Border Protection,” Castro told ProPublica.

The report drew wide criticism of the Border Patrol from other Democratic lawmakers, including presidential candidates such as Sen. Elizabeth Warren (D-Mass.) and New York Mayor Bill de Blasio.

“These racist and sexist comments are completely unacceptable,” Warren tweeted. “We need answers — and the @CBP agents involved must be held accountable.”

“Racist and sexist behavior on the part of those who wear a uniform of the United States is unacceptable,” tweeted Sen. Bernie Sanders (I-Vt.). “The DHS must investigate and take strong action against those found guilty of this vulgar behavior.”

Sanders added: “This is simply horrific. The dehumanization of immigrants has got to end and those involved in this must be held accountable. Thank you @AOC for standing up to the indignity of what is occurring in detention centers.”

On Twitter, shortly before visiting a border detention facility in Texas, Ocasio-Cortez tweeted: “This isn’t about ‘a few bad eggs.’ This is a violent culture. ... How on earth can CBP’s culture be trusted to care for refugees humanely?”

She later returned to the platform to respond to accusations in a news report that she “screamed” at officers in a “threatening manner” while touring the Texas site with other members of Congress.

The Washington Examiner report quoted two unnamed witnesses who claimed that they, along with 40 other people, saw Ocasio-Cortez “crying and screaming and yelling” at a Border Patrol facility in El Paso. The report claimed agents wanted to respond but were held back because she was a lawmaker.

“And to these CBP officers saying they felt ‘threatened’ by me,” Ocasio-Cortez tweeted in response. “... They confiscated my phone, and they were all armed. I’m 5’4”. They’re just upset I exposed their inhumane behavior.”

In a statement Tuesday, the congresswoman’s communications office called the Examiner’s report an “inaccurate depiction of events.”

“The Congresswoman spoke sternly to a CBP agent that tried to take a stealth selfie with the Congresswoman in a mocking manner, despite the gravity of the situation,” the statement said.

Customs and Border Protection is a central component of the Trump administration’s attempts to stanch the flow of migrants on the U.S.-Mexico border.

CBP’s conduct standards forbid making “abusive, derisive, profane, or harassing statements or gestures, or engag[ing] in any other conduct evidencing hatred or invidious prejudice to or about one person or group on account of race, color, religion, national origin, sex, sexual orientation, age or disability,” including on social media.

The Border Patrol’s chief of operations, Brian Hastings, said on CNN that the posts “do not represent the thoughts of the men and women of the U.S. Border Patrol. ... Don’t let the actions of a few be representative of the whole, is what I’d ask.”

Hastings added that if any agents are found to have been responsible for the Facebook posts, “the appropriate disciplinary actions will be taken.”

“These posts are completely inappropriate and contrary to the honor and integrity I see — and expect — from our agents day in and day out,” Carla Provost, head of the Border Patrol, said in a statement.

Inside the Secret Border Patrol Facebook Group Where Agents Joke About Migrant Deaths and Post...

The three-year-old group, which has roughly 9,500 members, shared derogatory comments about Latina lawmakers who plan to visit a controversial Texas detention facility on Monday, calling them “scum...

The National Border Patrol Council, the union that represents the vast majority of Border Patrol agents, said it condemned the inappropriate content in the Facebook group.

"The content found in this group — whose membership is comprised of agents, retired employees, employees who no longer work for Border Patrol, and members of the public — is not representative of our employees and does a great disservice to all Border Patrol agents, the overwhelming majority of whom perform their duties honorably," it said in a statement.

[https://www.washingtonpost.com/politics/2019/07/01/aoc-immigrants-targeted-racist-sexist-posts-border-agent-facebook-group/?utm\\_term=.c4701990c2dd](https://www.washingtonpost.com/politics/2019/07/01/aoc-immigrants-targeted-racist-sexist-posts-border-agent-facebook-group/?utm_term=.c4701990c2dd)

Politico: Trump, RNC rake in massive \$105 million second-quarter haul

By Quint Forgey

July 2, 2019 8:55 AM

President Donald Trump's reelection campaign and the Republican National Committee raised \$105 million in the second quarter of 2019, the RNC announced Tuesday.

That number, first reported by The New York Times, eclipses the roughly \$85 million in contributions then-President Barack Obama's campaign and the Democratic National Committee raised during the same period in 2011 as he sought a second White House term.

"Our massive fundraising success is a testament to the overwhelming support for President Trump," Brad Parscale, Trump's campaign manager, said in a statement. "No Democrat candidate can match this level of enthusiasm or President Trump's outstanding record of results."

Trump and his fundraising committees raked in \$54 million of the \$105 million total, while the RNC collected \$51 million. RNC Chairwoman Ronna McDaniel said in a statement that the "record-breaking fundraising" by the national party "has allowed us to identify troves of new supporters online and continue investing in our unprecedented field program."

McDaniel added: "Our grassroots army is already hard at work — putting us in prime position to re-elect President Trump and Republicans across the country."

News of the enormous haul by Trump's reelection effort, which enjoys a combined \$100 million in cash on hand, follows another impressive fundraising performance by one of the president's Democratic challengers, Pete Buttigieg.

The South Bend, Ind., mayor — who was virtually unknown on the national stage prior to the launch of his presidential exploratory committee in January — announced Monday that his campaign fetched more than \$24.8 million in the year's second quarter.

<https://www.politico.com/story/2019/07/02/trump-republican-national-committee-105-million-1394515>

Associated Press: Trump to hold 2020 rally on day of Mueller's testimony

By Associated Press

July 2, 2019

WASHINGTON (AP) — President Donald Trump will be holding a campaign rally in North Carolina on July 17 — the day that former special counsel Robert Mueller is expected to testify before Congress.

Trump's reelection campaign has announced he will host a "Keep America Great" rally at Williams Arena in Greenville that evening.

Mueller is scheduled to publicly testify before the House Judiciary and Intelligence committees. Democrats are hoping to draw more attention to the report that Mueller gave to the Justice Department in March. It detailed Russian interference in the 2016 presidential election and reviewed several episodes in which Trump tried to influence Mueller's probe.

Trump has frequently criticized Democrats' efforts to get Mueller to testify. The president tweeted Tuesday that "this Witch Hunt must now end," adding, "No more Do Overs."

<https://www.yahoo.com/news/trump-hold-2020-rally-day-011141909.html>

## State

Rochester Democrat & Chronicle: Audit finds poor planning cost New York millions. But there's more to the story.

By Jon Campbell

July 2, 2019 2:23 PM

ALBANY — Poor planning by Gov. Andrew Cuomo's administration cost taxpayers more than \$12 million in overruns as the state began building rest areas with a tourism focus across New York, according to a new audit from Comptroller Thomas DiNapoli's office.

But one of the Comptroller's Office employees overseeing the review was arrested for placing a GPS tracking device on a woman's car while the audit was taking place, leading the state Department of Transportation to question the report's findings.

The audit released late last month paints an unflattering picture of the DOT's ability to plan and follow its own procedures as it sought to build an I Love NY Welcome Center — a rest area with a tourism focus — in each of the state's 10 regions.

It also helped reveal the arrest of Joseph Robilotto, who was an examiner-in-charge for the Comptroller's Office helping to supervise on-site auditing work within the DOT's suburban Albany complex.

Robilotto, 53, was charged with misdemeanor stalking last August after the woman, who works at DOT headquarters, found the device. It had been in place for five months, according to State Police.

The Comptroller's Office said it has "no tolerance for such behavior." Robilotto, who did not respond to requests for comment, was quickly removed from the audit and no longer works for the state at all, according to the office.

The DOT, however, has attempted to use Robilotto's arrest as a way to cast doubt on the audit's major points, suggesting his actions "unduly impacted" the report and questioning why he wasn't listed among those who contributed to it.

In response, the Comptroller's Office accused the DOT of "exaggerating" Robilotto's role in the audit in hopes of delegitimizing its findings, calling the department's concerns "unfounded."

#### What the audit found

The audit examined the state's plans to build at least 10 Welcome Centers, which carry New York-made products and were billed as a way to tout the state's tourism attractions in each region of the state.

But the Welcome Centers, which have been publicly touted by Cuomo, saw significant cost overruns that the Comptroller's Office's audit claims was the result of frequently poor planning.

#### Among the audit's findings:

DOT didn't initially account for a sewer system when building a Welcome Center on the Long Island Expressway, an avoidable error that played a big role in inflating the facility's cost from \$20 million to \$27 million.

In Kirkwood, Broome County, final plans and estimates for a Welcome Center were only 30 percent complete with the DOT put the project out for a bid. The cost ultimately rose from \$6.4 million to \$8.3 million when the rest area opened in October 2017.

In the town of Schodack east of Albany, DOT spent \$1.4 million tearing down an existing rest area on Interstate 90 before deciding the property wasn't big enough for a Welcome Center and moving it to Interstate 87.

In a written response to the auditors, DOT attempted to refute many of the Comptroller's Office's conclusions, calling many of the audit's findings "baseless and inaccurate" and criticizing it for not doing more to recognize the tourism benefits the Welcome Centers bring.

Some of the inflated cost came from ensuring the Welcome Centers were open in time for peak traveling seasons, according to the department. And some of the cost overruns were aimed at providing more amenities to travelers, the agency wrote.

That includes the last-minute add of the Long Island sewer system, which DOT claimed was a "more cost-effective delivery method" that helped "enhance services available to motorists." (The Comptroller's Office said that's "not a rational position.")

It was in that contested back-and-forth — included at the end of the Comptroller's Office's report — that Robilotto's arrest came into play.

DOT raised the issue without mentioning Robilotto by name, noting that a Comptroller's Office employee had been arrested while the audit was ongoing for "inappropriate and harassing behavior" of a worker at DOT headquarters.

On July 16, 2018, the female worker found a small, black magnetic case containing a SpyTec GPS device attached below her car's rear driver-side door, according to court documents. She filed a sworn complaint with State Police six days later, saying she was unaware of anyone wanting to track her location.

A month later, Robilotto was arrested by State Police, which issued a press release about the arrest at the time but did not note his job or his role with the audit.

DOT questioned why Robilotto wasn't listed as an author of the audit, using it to cast doubt on the report's findings as a whole.

"NYSDOT is concerned that many of the findings and recommendations included in this audit were unduly impacted by the Examiner in Charge's actions during the audit, and his apparent lack of participation in the final audit drafting," DOT Assistant Commissioner Raymond LaMarco wrote in his response.

DOT did not detail how or why it believes Robilotto's arrest may have influenced the report.

The Comptroller's Office, in response, suggested DOT was using Robilotto's arrest to try and distract from the report's unflattering findings.

A draft audit was submitted to DOT in April 2018, eight months after Robilotto's arrest.

Audits go through multiple layers of review that are meant to ensure no single person can exert too much influence over their findings, according to the Comptroller's Office.

"(DOT) officials attempt to raise doubts about the audit work by exaggerating the role played by this individual in order to raise concerns regarding this individual's influence on the audit's outcome," the Comptroller's Office wrote

As an examiner-in-charge, Robilotto was a low-level supervisor on the audit, with three layers of supervisors and an executive team above him, according to the Comptroller's Office.

Two examiners-in-charge were listed as authors of the report; Robilotto was not among them.

"As Department officials are aware, this individual was no longer with the (Comptroller's Office) when the report was written and it is not (our) practice to list participants — only major contributors to the report," the Comptroller's Office wrote.

Robilotto's case remains pending in the Albany County town of Guilderland, where the tracking device was discovered.

<https://www.democratandchronicle.com/story/news/politics/albany/2019/07/02/audit-i-love-ny-welcome-center-arrest/1549664001/>

Times Union: 'Fair elections' panel to be appointed by end of week

By Rachel Silberstein

July 2, 2019 4:35 PM

ALBANY — A nine-member "fair elections" commission tasked with designing a statewide public matching system for political campaigns will be convened by the end of the week, Gov. Andrew M. Cuomo's office has confirmed.

Language in the 2019-2020 state budget created a panel of experts — to be appointed by the governor and leaders of the Senate and Assembly — to outline by Dec. 1 the parameters of a public financing program for all legislative and statewide elections, with an estimated cost of \$100 million a year.

Now that the legislative session has concluded, "We are hoping to make an announcement sometime this week," Cuomo spokesman Richard Azzopardi said.

Cuomo, Senate Majority Leader Andrea-Stewart Cousins and Assembly Speaker Carl E. Heastie will each appoint two members, while leaders of the minority Republican conferences will each select one commissioner.

Since Republicans oppose the use of public funds to aid political campaigns, and the Assembly leadership has expressed reservations about a public financing system, advocates speculate the outcome of the panel may hinge on a ninth appointee, jointly selected by Cuomo, Heastie and Stewart-Cousins.

"We hope to see soon a diverse group of pro-reform experts seated so they can begin crafting the model for the nation campaign finance law that voters have been promised," said Dave Palmer, campaign manager for the Fair Elections NY coalition.

Spokespersons for the Senate, Assembly and Cuomo's office declined to reveal the names of their appointees.

The original Fair Elections Act, [a final sticking point](#) during March budget discussions, would have created a 6-to-1 public matching system for small donations to candidates for state office. The measure is intended to counteract the influence of big money on the state's electoral system.

Instead, the final spending plan created a panel with few parameters. The commission's recommendations will be binding unless the Legislature moves to reject them within 20 days.

Advocates want the Legislature to introduce bills amending the law in preparation for the 20-day window in December, in case the commission's recommendations fall short.

Despite an unusually productive session, which in some instances saw the voices of grassroots activists [elevated over](#) deep-pocketed interests, the playing field is far from leveled, according to the government reform group Reinvent Albany.

The group, which in May [pointed out](#) the lack of fundraising from constituents among top Assembly Democrats, has [released an analysis](#) pointing to a similar trend in the upper chamber.

In both houses, most legislators with leadership titles have derived the magnitude of their fundraising from special interests and companies with business before the state, rather than individuals in their districts, according to Reinvent Albany's breakdown of data from the 2017-2018 election cycle.



"We still leave this legislative session with a campaign finance system in place that looks a lot like the old Albany: with big money still playing an outsized role in our political process," Reinvent Albany's Alex Camarda said.

In the Senate, in-district individual donations accounted for 23 percent of contributions to top Democrats. In the Assembly, the ratio was more lopsided, with just 16 percent of donations made during the last election cycle from constituents.

<https://www.timesunion.com/news/article/Fair-elections-panel-to-be-appointed-by-end-of-14066992.php>

Crain's New York Business: Cuomo debuts Brooklyn state park named for iconic congresswoman  
By Will Bredderman

July 2, 2019 1:46 PM

[Gov. Andrew Cuomo](#) on Tuesday announced the opening of the sprawling, 407-acre [Shirley Chisholm State Park](#) in Brooklyn—the largest parcel of gubernatorially-controlled green space in the five boroughs. The former East New York landfill sits on Jamaica Bay, adjacent to the massive Spring Creek Towers development, popularly called by its former name, Starrett City.

Cuomo first announced the project early last year, before launching a re-election campaign that saw low-income, chlorophyll-starved urban communities like East New York award him the overwhelming majority of their votes.

"Why in Brooklyn?" Cuomo asked rhetorically at the event. "Because Brooklyn needed it."

Chisholm represented Central Brooklyn in the House of Representatives from 1969 until 1983 and became the first black woman to seek a major party's nomination for president in 1972, when she fell short of South Dakota Sen. George McGovern in the Democratic contest. Cuomo, along with state Sen. Roxanne Persaud and Rep. Hakeem Jeffries, remembered Chisholm's life and accomplishments.

"Shirley Chisholm once said, 'If they don't give you a seat at the table, bring a chair,'" Jeffries recalled. "Well, today we have a state park."

<https://www.crainsnewyork.com/real-estate/cuomo-debuts-brooklyn-state-park-named-iconic-congresswoman>

City & State: Where are New York's sanctuary cities?  
By Ethan Stark-Miller

July 2, 2019

President Donald Trump [kicked](#) off his reelection campaign last month with a familiar pledge: to deport millions of "illegal aliens." He said U.S. Immigration and Customs Enforcement would start the process of these deportations [in a matter of weeks](#).

So which municipalities in New York state have identified themselves as sanctuaries for undocumented immigrants?

Although many cities, counties and states call themselves sanctuaries, the term doesn't have a single definition. "'Sanctuary' means different things to different people," Cornell Law School Professor Stephen Yale-Loehr told City & State. "And it is not a legal term."

In addition, the term sanctuary doesn't define a specific policy. "There is no set of policies that make anything a sanctuary municipality," said Theo Moore, director of local policy and legislation at the New York Immigration Coalition.

Instead, it encompasses a range of policies that jurisdictions implement to prevent local officials from sharing information with Immigration and Customs Enforcement, Yale-Loehr said. Sanctuary policies can also include criminally processing undocumented immigrants locally instead of handing them over to federal immigration authorities.

The Center for Immigration Studies, [an anti-immigration think tank](#), has compiled a [list](#) of the cities, counties and states that call themselves sanctuary jurisdictions. The organization identified municipalities or sheriff's departments that have passed laws, resolutions or another kind of measure to prevent local law enforcement from cooperating with Immigration and Customs Enforcement.

The center lists seven municipalities in the state that it considers to be sanctuary jurisdictions: Albany, Ithaca, New York City as well as Franklin, Nassau, Onondaga and St. Lawrence counties. Franklin, Nassau, Onondaga and St. Lawrence counties only specify that they don't honor Immigration and Customs Enforcement requests without a warrant, Moore said. Based on his research, the localities that actually have sanctuary policies in the state are Albany, Ithaca, New York City and Westchester County, which isn't on the Center for Immigration Studies' list.

What's more, New York City is the only locality in the state that is considered to be a sanctuary city by its elected officials, Moore said. Below is a map of the municipalities in New York state that have sanctuary policies.

#### Albany

Albany Mayor Kathy Sheehan [issued](#) an executive order in April 2017 that said the city's police department won't ask individuals about their immigration or citizenship status, unless it is pertinent to an investigation.

In late 2017, the U.S. Justice Department [sent](#) letters to Albany and 28 other jurisdictions, requesting that they affirm their compliance with U.S. Code 1373, a statute passed under the Trump administration stipulating that localities are not allowed to stop government entities or officials from sharing information with Immigration and Customs Enforcement. The Justice Department warned that localities violating this code could lose their justice assistance grants. Albany maintained that it was compliant with federal law.

#### Ithaca

The Ithaca City Council [passed](#) an [ordinance](#) in February 2017 directing city officials and police officers not to ask any individuals about their immigration status, unless the person is committing a crime

related to their status. However, Ithaca was not one of the cities that the Justice Department identified as being in violation of U.S. Code 1373.

#### New York City

In late 2014, Mayor Bill de Blasio [signed](#) two bills into law that significantly reduced the degree to which city officials would cooperate with federal immigration enforcement. Introductions 486-A and 487-A ended the city's cooperation with Immigration and Customs Enforcement [detainer](#) requests, except in situations where an individual has been convicted of a violent crime. The bills also ended the presence of federal immigration officials at Rikers Island and all other city-run facilities. The city is home to more than 500,000 undocumented residents, according to [recent estimates](#). It was included in a [2018 Justice Department letter](#) demanding documentation about whether the city was violating U.S. Code 1373.

#### Westchester County

In March 2018, Westchester County Executive George Latimer signed the Immigrant Protection Act into law. In a [press release](#), the Westchester County Board of Legislators made a point of stating that this is not a sanctuary measure. Broadly, the bill defines what law enforcement can ask individuals about their citizenship status and how that information is shared with other levels of law enforcement. More [specifically](#), it prevents Westchester County from using its resources to assist in federal investigations based on a number of identities, including national origin.

<https://www.cityandstateny.com/articles/politics/new-york-state/where-are-new-yorks-sanctuary-cities.html>

## Local

### Wall Street Journal: New York City Steps Up Traffic Enforcement After Cyclist Deaths

By Katie Honan and Ben Chapman

July 2, 2019 5:50 PM

The New York Police Department on Tuesday announced that it has launched a citywide bicycle safety plan in response to an increase in cyclist deaths this year, including three in the past week.

Officers will step up enforcement of vehicles that speed, run red lights or fail to yield to pedestrians, NYPD officials said. They will also increase the ticketing of drivers who are texting or talking on their phone without a headset, the officials said.

NYPD Commissioner James O'Neill also said at an unrelated press conference Tuesday that officers will also make sure bike lanes are clear of vehicles, especially police cars. Officers caught using bike lanes illegally may face a variety of internal administrative consequences, such as a reprimand from a supervisor or a disciplinary letter, he said.

"It is a congested city, there's no doubt about it," Commissioner O'Neill said. "But we're the ones responding to calls, and we're the ones who have to be responsible also."

The enforcement will run through July 21. It was enacted Monday afternoon, shortly after cyclist Devra Freeland, 28 years old, was killed when a cement truck driver struck her, as she rode her bike in Brooklyn. She's the 15th cyclist to be killed in New York City so far this year, city data showed. There were 10 cycling deaths in the city for all of 2018, according to the data.

"We absolutely have an emergency on our hands," Mayor Bill de Blasio said Monday night during a television interview.

The city's Department of Transportation will release a separate cyclist safety plan in the next two weeks, he said.

"Last year was the safest year on record—and we have to keep pushing the envelope and increasing our efforts until we achieve Vision Zero," Mr. de Blasio said in a statement released Monday.

Mr. de Blasio unveiled a traffic safety plan in 2014 called Vision Zero with the goal of reducing traffic fatalities across the city. There was a record low 202 motor-vehicle deaths in 2018, compared with 222 in 2017. But pedestrian deaths rose by 7% in 2018 to 115 from 107 the year earlier, city data showed.

Cyclist deaths have fluctuated in the past six years. In 2013, 12 cyclists were killed. The number rose to 20 in 2014, then went down to 14 the following year. In 2017, 24 cyclists were killed.

Street-safety activists said the city needed to make a bigger investment in bike lanes and street design.

"New Yorkers on bikes are being killed at a record rate," Marco Conner, the interim executive director of Transportation Alternatives, said in a statement.

"It is clear that Vision Zero is in a state of emergency and Mayor de Blasio is in denial about his signature program faltering under his neglect."

<https://www.wsj.com/articles/nypd-steps-up-traffic-enforcement-after-cyclist-deaths-11562103918>

Politico: On BQE megaproject, mayor's group borrows from Cuomo playbook

By Dana Rubinstein

July 2, 2019 5:48 PM

The group of experts with platinum credentials that Mayor Bill de Blasio tasked with solving a politically nightmarish transportation problem appears to be taking a page from the mayor's frequent rival, Gov. Andrew Cuomo — who's faced his own share of transportation tribulations.

The de Blasio task force is actively looking for a shorter-term solution to repair — rather than fully rebuild — the three-level portion of the Brooklyn-Queens Expressway that carries 150,000 vehicles a day along the borough's waterfront and supports the Brooklyn Promenade.

The approach echoes Cuomo's decision to nix the MTA's original plans to fully rebuild the dilapidated L-train tube between Brooklyn and Manhattan and instead undertake a less comprehensive approach. Experts said the governor's plan was unlikely to last as long as the original one, but that it would discomfit fewer people in the short term.

Two BQE task force participants said members of the group openly talk about the similarities between the task force's approach and Cuomo's MTA L-train gambit.

"It's very like the L-train thing," said one, requesting anonymity to speak freely. "It's the same kind of conversation, between the engineer technocrats and the political people. The task force is looking at shorter-term solutions, like can you repair it instead of replace it."

The notion of a shorter-term solution is apparently predicated on the idea that a full-scale BQE cantilever may not be needed in the future, thanks to new technologies and changing traffic patterns.

Carlo Scissura, the task force's chair and president of the New York Building Congress, declined to comment substantively on the matter.

But Nick Sifuentes, the executive director of the Tri-State Transportation Campaign, said the similarities were noteworthy and possibly concerning.

"It's kind of a wait-and-see approach," he said. "We're going to have to wait 20 years and see if it falls apart or not."

In January, Cuomo overturned the MTA's long-held plans to close the L-train tunnel down for more than a year and rebuild it so that it could last another century. Relying on a team of outside experts, he instead had the MTA move forward with a plan to coat the tunnel's deteriorating duct banks with fiber reinforced polymer, abandon the old conduit inside them and rack new conduit along the tunnel walls. Thanks to the more limited scope, the MTA would only have to close half the tunnel at a time, and then only on nights and weekends.

The political advantages of the Cuomo approach were obvious. He emerged as the heavy-handed savior of Brooklynites alarmed by the prospect of diminished transportation options.

But there were also potential downsides.

New York City Transit President Andy Byford [said](#) the new solution could last some 40 years, about half as long as the original repair plan.

A consulting engineer on the project told the MTA board something similar.

"It certainly would have been advantageous for long-term service life to completely tear out the duct banks and completely replace them," said WSP engineer Mike Abrahams in January. "There are certainly service-life advantages to doing that."

Like the MTA, the city's Department of Transportation wanted to do a full-scale rebuild of the so-called triple cantilever that separates Brooklyn Heights from Brooklyn Bridge Park and undergirds the Promenade.

Its proposed solution would have given the cantilever another century, according to the task force. It also would have been a political disaster for the de Blasio administration.

When de Blasio's transportation commissioner, Polly Trottenberg, unveiled the administration's plans in [September](#), she warned they could prove akin to Boston's notorious "Big Dig."

But she also said that if substantial rehabilitation were not undertaken, the highway would no longer be able to support trucks by the mid 2020s. They would instead flood local streets.

The news prompted a political firestorm in well-connected and well-resourced Brooklyn Heights — largely because the plan also called for replacing the Brooklyn Promenade with a six-lane highway for several years. Neighbors banded together to hire lobbyists and political consultants. They won allies and publicized alternative ideas.

In April, de Blasio punted the issue to a panel of experts, and named Scissura its chair. Its work is, by several accounts, substantive and ongoing. Its recommendations, which will be advisory, were supposed to emerge by the summer, though that timeline has since been pushed back.

Last week, Scissura publicly said the city's original plan was essentially a non-starter. He also suggested [a locally produced plan](#) — one that would require a roadway incursion into Brooklyn Bridge Park — was also effectively dead.

"The reality is the plans have a tough shot ahead of them, and I think there's really very little interest on the panel in pursuing that, to be quite honest," he told POLITICO this week.

When asked about the L-train comparison, Scissura demurred.

"I am not going to discuss anything that we do in terms of looking at this project and other things that are out there," he said.

<https://www.politico.com/states/new-york/city-hall/story/2019/07/02/on-bqe-megaproject-mayors-group-borrows-from-cuomo-playbook-1085669>

## City & State: How New York City is insuring the undocumented

By Rebecca C. Lewis

July 2, 2019

As New York has extended health insurance coverage to a growing share of its population, one group has traditionally been left out: immigrants living in the country illegally.

Now, New York City is taking steps to improve health care for immigrants, particularly for those who are undocumented, through a recently introduced program. But there is still room for improvement, advocates say, most notably by expanding the network of providers.

In January, Mayor Bill de Blasio unveiled NYC Care, a new program meant to provide access to health care for people who are ineligible for insurance — including undocumented immigrants. Those who enroll in the plan will get an NYC Care card, a primary care doctor and access to a network of information, all through New York City Health + Hospitals, the city's public hospital system.

NYC Care largely publicizes existing services already available through Health + Hospitals, which is obligated to treat anyone who walks in their door and provides a sliding scale payment option for those without insurance. The program also calls for hiring more doctors and service staff to accommodate more patients, with \$25 million allocated in the latest city budget and an expectation that \$100 million a year would be needed going forward. Health + Hospitals President and CEO Mitchell Katz has

characterized the program as improving customer service in order to get more people to seek preventive care rather than waiting until a problem is bad enough to require a trip to the emergency room.

Max Hadler, director of health policy at the New York Immigration Coalition, said the program, which is set to roll out in the Bronx in August and citywide by the end of 2020, is a step in the right direction. "There's a number of different ways in which NYC Care can improve access, in some cases by improving the actual coordination of care, and in some cases by doing a more concerted effort to get the word out about services that are already available but that many people may not be aware of or fear using because of all the negative messaging coming from Washington," Hadler said.

Even before the introduction of NYC Care, the city had mechanisms to serve uninsured communities thanks to the city's municipal hospital system, which is the largest in the nation. Becca Telzak, director of health programs at Make the Road New York, said she hopes NYC Care's increased capacity would help remove barriers to care. "I think it's hard for people to get appointments. It's hard to then, once they go for primary care, be connected to all the other services they need," Telzak said. "And then I think at that point, people just kind of give up and stop going."

NYC Care comes after a short-lived pilot called Action Health NYC in 2015. About 1,300 immigrants enrolled in the health care access program, which was hailed as a success. Hadler said NYC Care seems to be modeled on Action Health, but differs in a significant way. "Action Health NYC was a very, very small one-year pilot that got pretty unceremoniously discontinued from one day to the next," Hadler said. "NYC Care is being positioned as a full-scale, citywide, permanent program."

That is not to say the initiative does not have room for improvement. While Telzak said NYC Care reflects many of the positive aspects of Action Health NYC, it falls short in one key aspect: excluding federally qualified health centers, or community health centers, as part of its network.

As it stands, NYC Care is strictly a Health + Hospitals program. Enrollees will only be able to visit hospitals and clinics within the public hospital system. While Health + Hospitals has 11 hospitals and seven health centers across the five boroughs, many undocumented immigrants use and have relationships with the city's 41 community health centers that focus on primary care.

New York City Councilman Mark Levine, who chairs the Health Committee, said he is planning to introduce legislation to build on NYC Care by expanding the program to include community health centers. He said now that budget negotiations are over, he wants to focus on improving health care for undocumented immigrants and hopes to plan a hearing in the near future. "(Community health centers) should be, really, the backbone of this program, as they were in the pilot that New York City ran, Action Health, in 2015," Levine told City & State.

Although New York City has a fairly low rate of uninsured residents, immigrants are disproportionately those without insurance. According to 2017 census data, only 7.3% of residents don't have insurance, or just over 615,000 people. However, 12.3% of immigrants are uninsured, a number that increases to 21.5% among noncitizens. The census does not currently inquire about a person's immigration status, meaning that the noncitizen population also includes legal U.S. residents.

Undocumented immigrants are one of the few groups of people who have not benefited from statewide efforts to insure more people. About 38% of the state's population has public insurance through



Medicaid and Medicare, and 49% receive health insurance through work. While New York has helped insure those that don't fall into those two categories through its health care marketplace and the low-cost, state-run Essential Plan, that does not help undocumented immigrants. They don't qualify for the Essential Plan or the New York City-run MetroPlus health insurance plan, and can't buy private insurance on the marketplace. Though they may be able to get some coverage through Medicaid under specific circumstances, it is not a viable option either.

In the absence of state action to institute single-payer health care or directly fund insurance for undocumented immigrants, access to care programs like NYC Care are really the only way for municipalities like New York City to address health care disparities. "There are limited things the city can do and NYC Care is a really good move toward exercising the options available," Hadler said. "The state is really failing on immigrant health right now. And the state has the option, and I think ultimately, the obligation, to step up as well."

<https://www.cityandstateny.com/articles/policy/immigration/how-new-york-city-is-insuring-the-undocumented.html>

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[Pajiba: Twitter is Celebrating the End of NRATV and the Firing of Dana Loesch](#)

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## National

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Times Union: Are NY's Mental Health Housing Programs at Risk?

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New York Times: 2,500 Reports of Police Bias. Not One Was Deemed Valid by the NYPD.

New York Post: Asian Parents Call for Schools Chancellor Richard Carranza's Firing

New York Daily News: Airport Workers Employed by Eulen American Plan Strike at JFK, Three Other Airports Over Company's Labor Practices

New York Times: How Subway Delays and the Homeless Crisis are Intertwined

## Attorney General

### 2020 Census

ABC7: U.S. Census Citizenship Question Rally. Set for Foley Square

June 26, 2019

LOWER MANHATTAN, New York City (WABC) -- Thursday marks the final day of the Supreme Court's current term, and rulings could come on several cases, including whether to allow a citizenship question on the U.S. census.

A decision from the court could have a major impact on large states like New York.

A rally focused on that issue is expected Thursday morning in Foley Square in Lower Manhattan.

Critics fear a census question asking whether a person is a citizen could discourage immigrants from responding to the survey.

The Trump Administration says this is about preventing voter fraud.

But the government's own experts concede that asking the question would lead to an inaccurate count of the actual number of people living in some big cities, whether they are citizens or not.

Here's why that really matters: a lower population count in New York means the state would get fewer federal tax dollars, fewer seats in Congress and fewer Electoral College votes.

New York Attorney General Letitia James will be among those in attendance for the Foley Square rally.

Demonstrators say they will be ready to respond to whatever the Supreme Court may decide.

<https://abc7ny.com/politics/census-citizenship-question-rally-set-for-foley-square/5367468/>

## NRA

New York Times: NRA Shuts Down Production of NRATV, and Its No. 2 Official Resigns

By Danny Hakim

June 25, 2019

Moving to clean house amid an organizational crisis, the National Rifle Association cut ties with its second-in-command, Christopher W. Cox; severed its relationship with Ackerman McQueen, its estranged advertising firm; and shut down live production at its online media arm, NRATV.

The steps took place within a brief span on Tuesday night and Wednesday morning.

The resignation of Mr. Cox, the gun group's top lobbyist and the architect of its legislative strategy, was communicated to the N.R.A.'s board and employees on Wednesday. The news comes days after a court filing by the N.R.A. implicated him in a failed plot to oust Wayne LaPierre, the organization's chief executive, an allegation Mr. Cox has disputed. Last week, [The New York Times reported](#) that the N.R.A. had suspended Mr. Cox.

Mr. LaPierre, in a message sent Wednesday to employees and board members, said he had accepted Mr. Cox's resignation and wanted "to thank Chris for his service to the N.R.A. and for his efforts to advocate for the Second Amendment." He noted that Mr. Cox had been "placed on administrative leave" pending an investigation into the claims against him, and said, "Naturally, that pursuit will continue in the interest of the N.R.A. and our members."

The development is the latest in an already tumultuous year for the N.R.A. The gun group has struggled to [right its finances](#); faced investigations in Congress and by the New York attorney general; and witnessed a leadership struggle that pitted Oliver North, until recently the N.R.A.'s president, against Mr. LaPierre.

Mr. Cox could not be immediately reached for comment. In a statement last week, he said that "the allegations against me are offensive and patently false. For over 24 years I have been a loyal and effective leader in this organization. My efforts have always been focused on serving the members of the National Rifle Association, and I will continue to focus all of my energy on carrying out our core mission of defending the Second Amendment."

The series of moves leaves the N.R.A., a crucial ally of President Trump, in flux, particularly in the leadership of its legislative agenda. [On Twitter in April](#), Mr. Trump urged the N.R.A. to "stop the internal fighting, & get back to GREATNESS — FAST!" Mr. LaPierre told the board and employees he would soon name an interim leader for the organization's lobbying arm.

By ending production at NRATV, the N.R.A. is also ceasing its relationship with a number of high-profile representatives of the organization, since its on-air personalities — Ackerman employees including Dana Loesch — will no longer be the public faces of the N.R.A. It remained unclear whether the N.R.A. would try to hire some of those employees, but there was no indication it was negotiating to do so.

The move comes amid a flurry of lawsuits between the N.R.A. and Ackerman, and increasing acrimony that surfaced after two prominent N.R.A. board members first criticized NRATV [in an article in The Times](#) in March. The separation had become inevitable: The two sides [said last month](#) that they were ending their partnership of more than three decades.

"Many members expressed concern about the messaging on NRATV becoming too far removed from our core mission: defending the Second Amendment," Mr. LaPierre wrote in a message to members on Wednesday. "So, after careful consideration, I am announcing that starting today, we are undergoing a significant change in our communications strategy. We are no longer airing 'live TV' programming."

In a notice to Ackerman's chief executive, Revan McQueen, sent Tuesday night, the N.R.A. said it "regrets that a longstanding, formerly productive relationship comes to an end in this fashion."

Ackerman, in its own statement, said it was "not surprised that the N.R.A. is unwilling to honor its agreement to end our contract and our longstanding relationship in an orderly and amicable manner."

"When given the opportunity to do the right thing, the N.R.A. once again has taken action that we believe is intended to harm our company even at the expense of the N.R.A. itself," Ackerman added. It said it would "continue to fight against the N.R.A.'s repeated violations of its agreement with our company with every legal remedy available to us."

A legal filing last week by Ackerman, which is based in Oklahoma City, underscored the dire risk to its business, which derived 41 percent of its gross revenue from the N.R.A. last year. The company accused the N.R.A. of failing to pay \$1.6 million in invoices and to post a \$3 million letter of credit that it said it was due, moves that Ackerman said would force it to "terminate or put on unpaid leave" roughly 40 percent of its work force within days, and shutter Mercury Group, its Northern Virginia subsidiary.

On Wednesday, a judge in Virginia denied a motion by Ackerman to immediately force the N.R.A. to make those payments.

N.R.A. officials had grown leery of the cost of creating so much live content for NRATV, which was started in 2016, and wondered whether the return on its investment was worth the effort. The site's web traffic was minuscule, with 49,000 unique visitors in January, according to a report provided by Comscore.

Some N.R.A. board members and officials were also unnerved by the breadth of the channel's content, which strayed far beyond gun rights and encompassed several right-wing talking points, including criticism of immigration and broadsides against the F.B.I. A show hosted by Ms. Loesch that [put Ku Klux Klan hoods on talking trains](#) from the popular children's program "Thomas & Friends" drew outrage from some within the organization.

But the dispute between the N.R.A. and Ackerman goes deeper than NRATV. It has its origins in threats last summer by Letitia James, now the New York attorney general, to investigate the N.R.A.'s tax-exempt status. The N.R.A. began an audit of its contractors, and has said that Ackerman, which it paid roughly \$40 million a year, refused to comply. Ackerman has disputed that allegation.

The advertising firm has assailed the role of the N.R.A.'s outside lawyer, William A. Brewer III, over the size of his legal fees, and has seen him as its chief antagonist. The contention has a bitter family twist because Mr. Brewer is the brother-in-law of Mr. McQueen, Ackerman's chief executive.

The schism between the organizations has been shocking. They had a closely intertwined partnership going back to the "I'm the N.R.A." campaign in the 1980s, and Ackerman came to be known as the voice of the N.R.A.

But by Tuesday night, splitting up was seen as inevitable.

"This is just an affirmation of what we've known is going to happen," Joel Friedman, an N.R.A. board member, said in an interview. <https://www.nytimes.com/2019/06/25/us/nra-nratv-ackerman-mcqueen.html>

## NRA: Turmoil at the NRA: TV Channel Ends, Lobbyist Resigns, A New Hill Probe Begins

By Sasha Ingber and Tim Mak

June 26, 2019 – 8:09 AM

The National Rifle Association has shut down its online TV channel and lost its chief lobbyist, new setbacks for group that also is the subject of another new congressional investigation, NPR has learned.

The NRA has struggled under both scrutiny from the outside for its connections to Russia's interference in American politics and from internal divisions over its leadership and its finances.

The latest developments took place Wednesday when the gun rights group's CEO, Wayne LaPierre, [announced](#) that the NRA's online channel NRATV would stop broadcasting live programming.

He cited costs, return on investment and the direction of the content.

LaPierre also blamed Ackerman McQueen, the Oklahoma-based advertising firm overseeing television production. Despite a decades-long relationship between Ackerman McQueen and the NRA, allegations of financial impropriety have led to a [contentious legal dispute](#).

Both sides have accused the other of improper conduct.

Since NRATV's launch in 2016, some of the programming has gone beyond support of the Second Amendment and into more controversial territory.

Last year, one segment [drew condemnation](#) for featuring Ku Klux Klan hoods on "Thomas the Tank Engine" trains as NRA spokeswoman Dana Loesch complained about a children's television show that had diversified its characters.

At least some of the NRA's leadership thought the TV programming crossed a line.

"There were a lot of us, including the CEO, who were extremely concerned and upset that it seemed to be an off-topic subject," NRA board member Joel Friedman told NPR. "But remember, who is the one who drove the bus on NRATV? It was Ackerman McQueen."

The company responded with its own criticism of the gun rights group.

"Ackerman McQueen is not surprised that the NRA is unwilling to honor its agreement to end our contract and our longstanding relationship in an orderly and amicable manner," it said in a [statement](#). It said the NRA refused to pay millions of dollars and used intimidation tactics.

"When given the opportunity to do the right thing, the NRA once again has taken action that we believe is intended to harm our company even at the expense of the NRA itself," it added.

Loesch did not immediately respond to NPR's request for comment. The NRA declined to comment.

### NRA's top lobbyist steps down

Chris Cox, the NRA's top lobbyist in Washington, D.C., resigned after nearly 25 years, multiple sources told NPR. As the head of the NRA's lobbying arm, he was considered one of the most powerful figures in the capital.

Cox has worked at the organization since 1995, and has been the NRA's top lobbyist since 2002.

He had been suspended after being accused of contributing to the effort to oust LaPierre, an allegation he denies. Friedman, the board member, said he was surprised to learn that Cox had quit.

"I've known him 17 years and he's always been a strong advocate for the Second Amendment and Second Amendment rights," said Friedman, who sits on the NRA's board. He was surprised to learn that Cox had quit.

Cox did not respond to a request for comment.

### NRA finances under scrutiny

Under LaPierre, the gun rights group is facing allegations of financial misconduct. LaPierre countered that people inside the NRA and Ackerman were trying to oust him.

Rep. Brad Schneider, D-Ill. a member of the House Ways and Means Committee, told NPR that he was launching an investigation into whether wrongdoing has occurred and "whether these activities warrant reconsideration of the NRA's tax-exempt status."

He sent a [letter](#) to LaPierre on Wednesday afternoon demanding financial documents and correspondence related to LaPierre's claim that [former NRA president Oliver North](#) tried to force him to resign, among other items.

At least three congressional committees are investigating the NRA, in addition to a [probe launched by New York Attorney General Letitia James](#).

### **Growing divisions within the gun rights community**

As the NRA undergoes its turmoil, the broader movement it champions is splintering.

Some supporters of the Second Amendment are continuing to advocate for gun rights but going public with their specific opposition to the NRA due to allegations of financial misconduct.

Greg Kinman, who runs a YouTube account about firearms with 4.2 million subscribers, [announced](#) last week that he was no longer taking support from the NRA or promoting the group because of the recent controversies.

"It's kind of gotten to the point where it's the last straw," Kinman said.

And prominent conservative writer Erick Erickson [wrote on his website](#) that the NRA was "adrift by grift" and "rotting from the inside out."

Meanwhile, former NRA staff have joined with NRA members to form a group called Save the Second. Founded in the last week and a half, it was created to be a watchdog for the NRA's finances.

"Save the Second really does exist to help the NRA find a path back to credibility, legitimacy and effectiveness," board member Robert Pincus told NPR. "The established leadership of the NRA has become complacent in regard to our fight for gun rights, and they've become focused on fundraising and cronyism."

<https://www.npr.org/2019/06/26/736255639/turmoil-at-the-nra-tv-channel-ends-lobbyist-resigns-a-new-hill-probe-begins>

### **Variety: NRA Scuttles Original Production for Streaming-Video Site**

June 26, 2019 – 7:22 AM

The [NRA](#) will shut down production of new content for its streaming-video [NRATV](#) outlet, [The New York Times reports](#).

The report said the gun-rights lobbying organization may continue to run older content on the broadband outlet, but it will no longer feature [Dana Loesch](#) and other regular hosts in live programming. The demise of programming takes place as the powerful advocacy group has grappled with feuding among some of its top executive and has had its finances examined by New York's attorney general.

"Many members expressed concern about the messaging on NRATV becoming too far removed from our core mission: defending the Second Amendment," Wayne LaPierre, the N.R.A.'s longtime chief executive, wrote in a message to members that was reviewed by The Times. "So, after careful consideration, I am announcing that starting today, we are undergoing a significant change in our communications strategy. We are no longer airing 'live TV' programming."

Loesch gained some notoriety for her NRATV videos, which often depicted her intoning about the dangers new efforts at gun control could bring to the United States. "The only way we stop this, the only way we save our country and our freedom, is to fight this violence of lies with the clenched fist of truth," she said in one video lecture. In September of last year, she railed against the children's show "Thomas & Friends" after the long-running program partnered with the United Nations to widen the diversity of its characters.

The [NRA](#) has cut ties with the marketing agency Ackerman McQueen., which operated NRATV.

<https://variety.com/2019/digital/news/nratv-production-halted-dana-loesch-1203253364/>

### **CNN: NRA to shut down production of NRATV**

By Veronica Stracqualursi



The National Rifle Association is shutting down production of its online streaming network, NRATV, according to a spokesman for the gun lobby.

Andrew Arulanandam confirmed to CNN on Wednesday that the organization will stop producing new content for its 24-hour live online channel. The decision was first reported by the [New York Times](#).

The Times noted that NRATV may air past content, but its hosts, like Dana Loesch, will no longer be featured in live programming.

The move to end NRATV's programming comes amid troubles for the powerful lobby group, with reports of [infighting among its top ranks](#) and [scrutiny of its finances](#) by the New York attorney general.

The NRA also severed its business ties to its longtime advertising firm, Ackerman McQueen Inc., which operates NRATV, according to the [Times](#).

The two have been locked in a legal battle, with the NRA accusing Ackerman of breach of contract and their fiduciary duty in a lawsuit. The [complaint, filed in May](#), also claims the ad agency attempted to engineer a failed coup against the NRA's CEO Wayne LaPierre. Ackerman called the suit a "reckless attempt to scapegoat Ackerman McQueen for the NRA's own breakdown in governance, compliance and leadership."

An earlier suit argued that Ackerman failed to disclose details about \$40 million that the NRA and affiliated groups spent annually with the firm and a subsidiary. Ackerman [called the allegations "false"](#) and later filed a counterclaim, accusing the NRA of using litigation as a ploy to terminate the contract without properly compensating the firm, [The Wall Street Journal](#) had reported.

In a statement obtained by the Times, Ackerman said it was "not surprised that the NRA is unwilling to honor its agreement to end our contract and our long-standing relationship in an orderly and amicable manner."

"When given the opportunity to do the right thing, the NRA. once again has taken action that we believe is intended to harm our company even at the expense of the NRA itself," the company said, the Times reported.

The Times reported that LaPierre told members in a message expected to be sent Wednesday that "many members expressed concern about the messaging on NRATV becoming too far removed from our core mission: defending the Second Amendment."

Last year, the channel stirred up controversy when [Loesch criticized the children's show "Thomas & Friends"](#) for partnering with the United Nations to increase diversity on the program — and showed the characters on-screen wearing Ku Klux Klan hoods. <https://www.cnn.com/2019/06/26/politics/nra-shut-down-production-nratv/index.html>

## Washington Post: NRA's Top Lobbyist Resigns Amid Chaos at the Gun Rights Organization

By Katie Zezima and Beth Reinhard

June 26, 2019 – 5:13 PM

The National Rifle Association plunged further into chaos Wednesday as its top lobbyist resigned, its television arm shut down and the organization severed all business ties with its longtime advertising agency.

Christopher W. Cox, [who was on administrative leave](#), officially stepped down days after being accused in a lawsuit of participating in an alleged extortion scheme to oust the organization's chief executive, Wayne LaPierre. Cox has denied the allegations.

LaPierre informed the NRA staff of Cox's resignation in an email. In it, he cited the allegations in the lawsuit as the reason Cox was placed on leave. He also thanked Cox for his years at the organization and his advocacy of Second Amendment rights.

Cox could not be reached for comment Wednesday.

Cox received about \$1.1 million in compensation in 2017, the NRA's most recent tax filing shows. As second-in-command, he led the NRA's powerful political arm, which spent a record \$30 million to help elect President Trump.

The resignation has sparked worry among some staffers and board members, who note that Virginia lawmakers are convening for a special session on gun control and that the Democratic presidential candidates are aggressively promoting anti-gun platforms.

Cox's departure comes as another potent NRA force has been closed. An NRA spokesman said NRATV — which sometimes streamed dire, dystopian programming that had nothing do to with guns — no longer exists. It had long been controversial, with one segment [digitally adding Ku Klux Klan hoods to trains in the children's show "Thomas the Tank Engine,"](#) a criticism of the show's producers' trying to make its characters more diverse.



Numerous members of NRA's board were concerned that NRATV strayed too far into politics and away from Second Amendment advocacy. Its shutdown was [first reported by the New York Times](#).

NRATV was a collaboration between the organization and its longtime advertising agency, Ackerman McQueen, with which it is embroiled in several lawsuits. The end of NRATV also marks the final severing of the business relationship between the two organizations, which worked closely together for decades and helped brand the NRA as a combative group that would aggressively defend Second Amendment rights.

"The NRA regrets that a longstanding, formerly productive relationship comes to an end in this fashion," NRA spokesman Andrew Arulanandam wrote in a letter Tuesday to Ackerman chief executive Revan McQueen.

In a statement Wednesday, Ackerman accused the NRA of refusing to make good on millions of dollars in "delinquent payments" owed to the firm but said it was ready to break with the group.

"For Ackerman McQueen, it is time to move on to a new chapter without the chaos that has enveloped the NRA," the company said.

The changes come at a difficult time for the NRA. In April, LaPierre told the organization's board of directors that its then-president, Oliver North, would release a letter detailing a "devastating" account of the organization's finances if LaPierre did not step down. Cox is alleged to have participated in what the NRA calls that extortion attempt, according to the lawsuit filed last week against North.

North resigned, saying that the organization's finances were in "clear crisis."

The NRA is also facing a probe of its nonprofit status by the New York attorney general, and a congressional investigation.

[https://www.washingtonpost.com/national/nras-top-lobbyist-resigns-amid-chaos-at-the-gun-rights-organization/2019/06/26/235447ec-9835-11e9-916d-9c61607d8190\\_story.html?utm\\_term=.03486384b8c0](https://www.washingtonpost.com/national/nras-top-lobbyist-resigns-amid-chaos-at-the-gun-rights-organization/2019/06/26/235447ec-9835-11e9-916d-9c61607d8190_story.html?utm_term=.03486384b8c0)

USA Today: NRA pulls the plug on NRATV live programming amid dispute with ad agency, lobbyist resignation  
June 27, 2019

The National Rifle Association's live TV programming is cancelled, an executive announced Wednesday, the same day a top lobbyist resigned.

Costs and concerns about NRATV content deviating from Second Amendment rights influenced the cancellation, said Executive Vice President and CEO Wayne LaPierre [in a statement](#).

The turmoil follows the gun rights group's growing financial difficulties, [internal power struggles](#) and a probe by New York's attorney general.

Lobbyist Chris Cox's resignation was confirmed by NRA spokesman Andrew Arulanandam. The group put Cox, the executive director of the NRA's lobbying arm, on leave about a week ago for allegedly being part of a failed attempt to oust LaPierre.

For the TV programming shutdown, LaPierre also blamed Ackerman McQueen, the Oklahoma-based advertising agency that operated the digital platform. The NRA [sued the agency](#) and its subsidiary Mercury Group in April for withholding business records, after 38 years of working together.

The two officially severed ties Wednesday. Ackerman McQueen fired back at LaPierre's claim the agency didn't honor obligations, saying the NRA uses intimidation tactics and owes it millions of dollars.

"Ackerman McQueen is not surprised that the NRA is unwilling to honor its agreement to end our contract and our longstanding relationship in an orderly and amicable manner," the agency said [in a statement](#).

Ackerman McQueen has been credited with creating some of the NRA's most memorable messaging, including the late Charlton Heston's famous rallying cry that gun control advocates would have to take his guns ["from my cold, dead hands."](#)

The NRA's nearly 5.5 million members and others can still get information on the group's social media accounts and website, LaPierre said.

"We will energize our messaging strategy, become more cost efficient, and promote the NRA's singular focus like never before," LaPierre said in the statement. "Simply put, our messaging strategy will advance the NRA's core mission: to serve our members and fight for our Second Amendment."

<https://www.usatoday.com/story/news/nation/2019/06/26/nra-shuts-down-nratv-programming-chris-cox-lobbyist/1568612001/>

June 26, 2019

<https://www.peconicpublicbroadcasting.org/post/nra-online-tv-network-will-shut-down-amid-allegations-financial-misconduct>

## WAMU: Turmoil at the NRA: TV Channel Ends, Lobbyist Resigns, A New Hill Probe Begins

By Sasha Ingber and Tim Mak

The National Rifle Association has shut down its online TV channel and lost its chief lobbyist, new setbacks for group that also is the subject of another new congressional investigation, NPR has learned.

The NRA has struggled under both scrutiny from the outside for its connections to Russia's interference in American politics and from internal divisions over its leadership and its finances.

The latest developments took place Wednesday when the gun rights group's CEO, Wayne LaPierre, [announced](#) that the NRA's online channel NRATV would stop broadcasting live programming.

He cited costs, return on investment and the direction of the content.

LaPierre also blamed Ackerman McQueen, the Oklahoma-based advertising firm overseeing television production. Despite a decades-long relationship between Ackerman McQueen and the NRA, allegations of financial impropriety have led to a [contentious legal dispute](#).

Both sides have accused the other of improper conduct.

Since NRATV's launch in 2016, some of the programming has gone beyond support of the Second Amendment and into more controversial territory.

Last year, one segment [drew condemnation](#) for featuring Ku Klux Klan hoods on "Thomas the Tank Engine" trains as NRA spokeswoman Dana Loesch complained about a children's television show that had diversified its characters.

At least some of the NRA's leadership thought the TV programming crossed a line.

"There were a lot of us, including the CEO, who were extremely concerned and upset that it seemed to be an off-topic subject," NRA board member Joel Friedman told NPR. "But remember, who is the one who drove the bus on NRATV? It was Ackerman McQueen."

The company responded with its own criticism of the gun rights group.

"Ackerman McQueen is not surprised that the NRA is unwilling to honor its agreement to end our contract and our longstanding relationship in an orderly and amicable manner," it said in a [statement](#). It said the NRA refused to pay millions of dollars and used intimidation tactics.

"When given the opportunity to do the right thing, the NRA once again has taken action that we believe is intended to harm our company even at the expense of the NRA itself," it added.

Loesch did not immediately respond to NPR's request for comment. The NRA declined to comment.

### NRA's top lobbyist steps down

Chris Cox, the NRA's top lobbyist in Washington, D.C., resigned after nearly 25 years, multiple sources told NPR. As the head of the NRA's lobbying arm, he was considered one of the most powerful figures in the capital.

Cox has worked at the organization since 1995, and has been the NRA's top lobbyist since 2002.

He had been suspended after being accused of contributing to the effort to oust LaPierre, an allegation he denies. Friedman, the board member, said he was surprised to learn that Cox had quit.

"I've known him 17 years and he's always been a strong advocate for the Second Amendment and Second Amendment rights," said Friedman, who sits on the NRA's board. He was surprised to learn that Cox had quit.

Cox did not respond to a request for comment.

### NRA finances under scrutiny

Under LaPierre, the gun rights group is facing allegations of financial misconduct. LaPierre countered that people inside the NRA

and Ackerman were trying to oust him.

Rep. Brad Schneider, D-Ill. a member of the House Ways and Means Committee, told NPR that he was launching an investigation into whether wrongdoing has occurred and “whether these activities warrant reconsideration of the NRA’s tax-exempt status.”

He sent a [letter](#) to LaPierre on Wednesday afternoon demanding financial documents and correspondence related to LaPierre’s claim that [former NRA president Oliver North](#) tried to force him to resign, among other items.

At least three congressional committees are investigating the NRA, in addition to a [probe launched by New York Attorney General Letitia James](#).

### **Growing divisions within the gun rights community**

As the NRA undergoes its turmoil, the broader movement it champions is splintering.

Some supporters of the Second Amendment are continuing to advocate for gun rights but going public with their specific opposition to the NRA due to allegations of financial misconduct.

Greg Kinman, who runs a YouTube account about firearms with 4.2 million subscribers, [announced](#) last week that he was no longer taking support from the NRA or promoting the group because of the recent controversies.

“It’s kind of gotten to the point where it’s the last straw,” Kinman said.

And prominent conservative writer Erick Erickson [wrote on his website](#) that the NRA was “adrift by grift” and “rotting from the inside out.”

Meanwhile, former NRA staff have joined with NRA members to form a group called Save the Second. Founded in the last week and a half, it was created to be a watchdog for the NRA’s finances.

“Save the Second really does exist to help the NRA find a path back to credibility, legitimacy and effectiveness,” board member Robert Pincus told NPR. “The established leadership of the NRA has become complacent in regard to our fight for gun rights, and they’ve become focused on fundraising and cronyism.”

<https://wamu.org/story/19/06/26/turmoil-at-the-nra-tv-channel-ends-lobbyist-resigns-a-new-hill-probe-begins/>

### [Pajiba: Twitter is Celebrating the End of NRATV and the Firing of Dana Loesch](#)

By Dustin Rowles

June 26, 2019

The NRA has been falling apart for quite some time and for obvious reasons. I *think* that at one point it was a *somewhat* reasonable organization, at least inasmuch that even some New England liberal hunter types were proud members. Somewhere along the way, however, it stopped being about defending the 2nd Amendment and being more about supporting the gun lobby, enabling school shooters, and ensuring that Congress never passed even reasonable gun-safety laws that the large majority of Americans supported. The extreme arm of the NRA took control, and no one embodied their new message more than Dana Loesch, the vile face of the NRA’s media arm, which operated NRATV. It did so poorly, it must be said: The advertising firm, Ackerman McQueen, was paid \$40 million a year, and the NRATV website only [mustered](#) 49,000 visitors a month.

Still, Dana Loesch was front and center after every school shooting, often seemingly advocating for violence against celebrities and liberals, and vehemently defending Donald Trump. As such, the NRA’s finances in the last couple of years have gone in the toilet; there have been internal wars, particularly between the NRA’s President Wayne LaPierre, and its former one, Oliver North, who tried to orchestrate an internal coup. Membership has fallen, and the NRA faces investigations from both Congress and the New York Attorney General’s office.

The firing of the ad firm Ackerman McQueen — who was already estranged from the NRA — and Dana Loesch was a long time coming. Last night, the NRA made it official, and Twitter was ecstatic.

There’s one person, however, who is defending Loesch. From what I understand, she’s the daughter of a certain Senator, but don’t tell anyone because she likes to keep that on the down-low.

<http://www.pajiba.com/politics/twitter-is-celebrating-the-end-of-nratv-and-the-firing-of-dana-loesch-.php>

### [The Root: Twitter Offers ‘Thoughts and Prayers’ After NRATV Meets Its Untimely Demise](#)

By Jay Connor

June 25, 2019 – 12:00PM

In the immediate aftermath of tragedy, the phrase “thoughts and prayers” is probably the last thing you want to hear. Especially if it’s in response to a mass shooting and coming from politicians or public figures with no intention of properly addressing gun reform.

On Tuesday, the New York Times reports that the plug got pulled on NRA spokeswoman Dana Loesch and her pulpit of choice—the controversial network NRATV. But instead of offering flowers to mourn their losses, Twitter went the peak petty route and offered thoughts and prayers instead.

Apparently, we have ad firm Ackerman McQueen to thank. They’ve been involved in a bitter legal spat with the NRA after severing all business ties with the gun rights group.

From the New York Times:

The move comes amid a flurry of lawsuits between the N.R.A. and Ackerman, and increasing acrimony that surfaced after two prominent N.R.A. board members first criticized NRATV in an article in The Times in March. The separation had become inevitable: The two sides said last month that they were ending their three-decade-plus partnership.

In a statement circulating among its members, the NRA appears to pin the blame on concerns that its **propaganda** messaging was being misconstrued.

“Many members expressed concern about the messaging on NRATV becoming too far removed from our core mission: defending the Second Amendment,” Wayne LaPierre, the N.R.A.’s longtime chief executive, wrote in a message to members that was expected to be sent out by Wednesday. “So, after careful consideration, I am announcing that starting today, we are undergoing a significant change in our communications strategy. We are no longer airing ‘live TV’ programming.”

Ackerman McQueen, on the other hand, wants all the smoke.

“When given the opportunity to do the right thing, the N.R.A. once again has taken action that we believe is intended to harm our company even at the expense of the N.R.A. itself,” the company added. It said it “will continue to fight against the N.R.A.’s repeated violations of its agreement with our company with every legal remedy available to us.”

It’s been a tumultuous year for the NRA. It suspended its top lobbyist and second-in-command Christopher W. Cox., braved investigations spearheaded by New York attorney general Letitia James, and struggled financially with NRATV providing such a meager return on its investment.

So on behalf of The Root, I’d like to extend our thoughts and prayers to the NRA.

<https://www.theroot.com/twitter-offers-thoughts-and-prayers-after-nratv-meets-i-1835871901>

Think Progress: NRA Announces End of New Production at NRATV

By Casey Michel

June 26, 2019 – 12:54 PM

Between executive infighting and ongoing questions surrounding possible Russian financing, the National Rifle Association’s (NRA) woes show no signs of slowing.

Now, the NRA has announced its latest casualty as its slow collapse continues: NRATV, the organization’s primary media arm.

As the New York Times reported late Tuesday evening, the NRA has shut down production of its firebrand streaming service. NRATV, the Times reported, “may continue to air past content,” but its “live broadcasting will end.” Moreover, some of the outlet’s most notorious on-air personalities — including, most especially, Dana Loesch — “will no longer be the public faces of the NRA.”

NRATV has long been a lightning-rod of criticism for the NRA. Much of that criticism has centered on the fact that NRATV, rather than highlighting specifically gun-related news, has instead transformed into an outlet dedicated to the type of culture-war rhetoric aimed at the broader Republican base — a business model that has also recently begun attracting criticism from longtime NRA supporters.

NRA President Wayne LaPierre pointed directly to this internal criticism in a statement issued Wednesday on the NRA’s site. “Many members expressed concern about the messaging on NRATV becoming too far removed from our core mission: defending the Second Amendment,” LaPierre wrote. “So, after careful consideration, I am announcing that starting today, we are undergoing a significant change in our communications strategy. We are no longer airing ‘live TV’ programming. Whether and when we return to ‘live’ programming is a subject of ongoing analysis.”

In his announcement, LaPierre pointed directly to another issue that has haunted the NRA over the past few months: the organization's relationship with Ackerman McQueen, an advertising firm that operates NRATV.

The NRA and Ackerman McQueen have been partners since the 1980s, but that relationship began fraying last year after New York Attorney General Letitia James announced her office would be investigating the NRA's tax-exempt status. The NRA, as a result of James's announcement, moved to audit contractors it worked with — an audit that Ackerman McQueen refused to comply with, despite the fact that the NRA paid Ackerman McQueen some \$40 million per year.

As a result of Ackerman McQueen's refusal, the NRA announced that the relationship between the two is over — with new productions at NRATV a casualty of the split. "What necessitated the change now is our conclusion that our longtime advertising firm and website vendor failed to deliver upon many contractual obligations it made to [the NRA]," LaPierre wrote on Wednesday, describing the NRA's break with the ad company.

The effective closure of NRATV is the latest in a long series of blows to the NRA over the past two years.

In addition to the break with Ackerman McQueen, former NRA President Oliver North stepped down in April following his attempted ouster of LaPierre. North alleged that LaPierre engaged in a raft of financial improprieties, including spending hundreds of thousands of dollars on clothing and travel, among other expenses — information North supplied directly to Ackerman McQueen.

The questions about LaPierre's spending habits come amidst public pressure on numerous companies that supported the NRA, or offered discounts to NRA members — some of which ended their relationships with the NRA following questions from outlets like ThinkProgress. The financial situation at the NRA has grown so dire that the company revealed it no longer offers free coffee for employees. As The Trace reported, NRA membership revenue also dropped nearly a quarter between 2017 and 2018.

The unprecedented turmoil also comes amidst continued questions about whether or not the NRA acted as a funnel for Russian financing for the Trump campaign, a relationship first highlighted by ThinkProgress. Thanks to close relations between NRA higher-ups and convicted Russian agent Maria Butina — as well as a controversial trip to Moscow in late 2015, where NRA representatives met with sanctioned Russian officials — the questions have continued well into 2019. Sen. Ron Wyden (D-OR) is planning to issue a formal report on the NRA's relationship with Russia, and its role as part of broader Russian interference operations in 2016.

As it is, NRATV's most prominent personalities, including Loesch, haven't yet said anything about this week's announcement. (As the Times reported, Loesch's decision to "put Ku Klux Klan hoods on talking trains" from the popular children's program 'Thomas & Friends' drew outrage from some within the organization.") Others who made their name at NRATV, like Dan Bongino and Chuck Holton, have also been silent. The individual websites for each NRATV series now redirect specifically to LaPierre's statement.

But some of the NRATV personalities seem to be taking the news in stride. Cam Edwards, who hosts the daily "Cam and Company" show, described his work with NRATV as a "privilege and pleasure."

The Virginia Shooting Sports Association tweeted that it hoped the NRA "will find a way to bring back" his show.

<https://thinkprogress.org/nra-nratv-end-production-collapse-controversy-budget-dana-loesch-wayne-lapierre-715e4798820c/>

WRAL: No. 2 at NRA resigns after being placed on leave

June 26, 2019

By Kate Sullivan and Sara Murray

**CNN** — The National Rifle Association's No. 2 official Christopher Cox resigned on Wednesday shortly after he was placed on leave, according to NRA CEO Wayne LaPierre.

In an email obtained by CNN from LaPierre to NRA employees, the CEO thanked Cox "for his service to the NRA" and said he had accepted Cox's resignation.

The move comes shortly after the NRA accused Cox of aiding the recently failed coup against LaPierre, who has been the head of the NRA for decades, the New York Times reported.

In a federal lawsuit filed in June, the NRA alleged the group's former President Oliver North attempted to oust LaPierre, and argued texts and emails showed Cox participated, the Times reported, adding that Cox was once thought to be a possible successor to LaPierre.

The announcement of Cox's resignation comes the same day a spokesman confirmed the NRA is shutting down production of its online streaming network, NRATV.

Andrew Arulanandam confirmed to CNN on Wednesday the organization will stop producing new content for its 24-hour live online



channel. The decision was first reported by the Times.

The changes in the organization come as the NRA is being investigated by the New York attorney general's office.

A spokesman for the office would not confirm what the investigation was regarding, but the advocacy group Everytown for Gun Safety said it filed a complaint about the NRA's tax-exempt status with the IRS.

Contributions to the NRA are lagging, the Times reports, and the organization is facing an increasingly well-financed opposition movement in the wake of several mass shootings.

LaPierre was reelected to his leadership position in April following the power struggle and a replacement was confirmed for North.  
<https://www.wral.com/no-2-at-nra-resigns-after-being-placed-on-leave/18475752/>

## Joint Employer Rule

Espacio de Prensa: Attorney General James Opposes Trump Administration Rule that Endangers the Rights of Millions of Workers

June 25, 2019

NEW YORK - Attorney General Letitia James today co-led a multi-state group of 19 State Attorneys General in sending [a letter](#) expressing opposition to a proposal from the US Department of Labor, which would limit the interpretation of joint employment, which would complicate the way in which states implement and enforce labor laws. This proposal would also leave millions of workers vulnerable to future violations of labor rights. The coalition is co-led by the Attorneys General of New York, Massachusetts, and Pennsylvania.

In the letter, sent today to Secretary Alexander Acosta of the Department of Labor (USDOL, for its acronym in English), the Attorneys General challenge the proposed change by the USDOL to the status of joint employer, under the Law of Fair Labor Standards (FLSA) - an interpretation that governs the responsibility of an employer who shares with another employer control over the terms and conditions of employment of workers. The Prosecutors General maintain that the Department of Labor of the nation has not justified the new interpretation and rather is based on obsolete analyzes that do not take into account the changing nature of current labor relations, including the fact that a high number of companies change their organizational models by outsourcing integral functions,

"The Department of Labor was created to protect workers, not to empower the companies that exploit them," said **Attorney General Letitia James**. "Restricting the definition of a 'joint employer' would negate the legal protections of workers, jeopardize collective bargaining and potentially allow employers to evade justice for committing labor violations. The mistreatment of workers is unacceptable, and we will continue working to make the bad actors accountable. "

Under the new standard proposed by the USDOL, joint employment would be determined if an employer hires or dismisses an employee, supervises and controls their schedule, and working conditions, determines the rate and method of payment, and maintains the data of the employee. However, according to the **General Prosecutors**, this proposal is inconsistent with the objective of the Law of Fair Labor Standards to protect workers, and ignores the more than 30 years of private sector development, during which the economy and conditions in the workplace they have changed.

The **Attorneys General** also insist that the USDOL proposal does not reflect current labor relations. They argue that companies increasingly share employees using independent contractors, third-party management companies, and personnel agencies or other labor providers. By reducing the scope of joint employment, the change in standards will leave millions of workers vulnerable to violations of federal and state labor laws.

If the federal initiative does not cover companies that pay for subcontracted employees while also controlling the conditions and terms of employment, the **Attorneys General** believe that gaps in compliance with laws will inevitably increase, leaving more workers victims or at greater risk of labor exploitation. The Attorneys General have jointly held employers under state labor laws in appropriate circumstances to ensure a complete and effective remedy for injured workers, and Attorney General James will continue to enforce state labor laws in order to fully claim the rights of workers. Workers.

Today's letter was co-directed by the **Attorneys General** of the States of New York, Massachusetts, and Pennsylvania; and signed by the State Attorneys of California, North Carolina, Connecticut, Delaware, the District of Columbia, Illinois, Maryland, Minnesota, New Jersey, New Mexico, Oregon, Rhode Island, Vermont, Virginia, Washington and Wisconsin.

<https://www.espaciodeprensa.com/2019/06/26/fiscal-general-james-se-opone-a-regla-de-la-administracion-trump-que-pone-en-peligro-los-derechos-de-millones-de-trabajadores/>

## ICE Raids

### 27 East: Families 'Completely Shaken Up' After ICE Raid Announcement

By Anisah Abdullah

June 26, 2019 – 9:57 AM

Local immigrant families are planning for the worst after news broke over the weekend that the U.S. Immigration and Customs Enforcement, or ICE, will soon begin nation-wide raids to round up undocumented immigrants with existing deportation orders.

Minerva Perez, executive director of the Latino advocacy group OLA of Eastern Long Island, said that families are “completely shaken up” and parents are left with no choice but to plan out who will care for their children in case they get deported.

“People are definitely responding and telling us that they’re very afraid. It has a huge effect,” Ms. Perez said, adding that some people are trying to stay indoors as much as possible.

On Friday, June 21, President Donald Trump ordered ICE to conduct the raids in major cities and regions with high immigrant populations beginning as early as that Sunday morning, The Washington Post reported. The president then announced in a tweet the following day that he would delay the raids for two weeks as a way to pressure Congress to sort out immigration issues.

Ms. Perez said that OLA is hosting emergency planning workshops to make sure affected families have all their paperwork in order, including those for temporary parental designation for their children. She explained that a designee should be someone with full legal status, so he or she is not necessarily a relative.

“These could be people that the kid doesn’t even know that well. But the family has to have someone so that the kid doesn’t end up in foster care,” she said.

Her organization is also planning to share resources at religious institutions and workplaces for information related to immigration rights and how employers can protect their workforce.

Local immigrants have been the target of ICE raids in the past, making it likely that the upcoming mass raids will affect the East End. A year ago, 225 people were detained in a sweep in New York City, Long Island and the Hudson Valley.

ICE workers are aiming to round up about 2,000 people who already have removal orders across the nation, according to multiple news sources.

In an email that Ms. Perez sent to immigration attorneys and advocates on the night of the initial announcement, she said that the targeted removal cases are most likely not for people considered to be dangerous, but rather for people who have lost their case for asylum or who cannot prove their child is “sick enough for it to matter if you are deported.”

She recently spoke to an immigration attorney who was briefed by ICE attorneys and said that immigrants held for criminal hearings, arrested for dangerous crimes or serving time for a conviction undergo a different legal process and will probably not be affected by the impending raid.

“They happen out here in a way that you’re driving through town and you see a number of black unmarked Escalades and it’s a gut-wrenching feeling,” Ms. Perez said. “You want to be able to say, ‘OK, good, they’re getting the bad guy, or they’re getting the drug guy, or they’re getting this and that.’ That’s not the case.”

“It’s a matter of really understanding what damage is being done to a community because fathers have been taken, mothers have been taken, children are just absolutely shaken and jostled by this whole thing.”

OLA, which stands for Organización Latino-Americana, will have a public meeting on Friday evening, June 28, at the Christ Episcopal Church in Sag Harbor to encourage community engagement and support.

Mr. Trump’s latest action to delay the raid by two weeks came as a tweet hours before the raids were expected to start.

“At the request of Democrats, I have delayed the Illegal Immigration Removal Process (Deportation) for two weeks to see if the Democrats and Republicans can get together and work out a solution to the Asylum and Loophole problems at the Southern Border,” the tweet read. “If not, Deportations start!”



Speaker of the House Nancy Pelosi called on Mr. Trump to stop the raids in a statement on Saturday and he tweeted the delay announcement hours later.

There are a number of immigration issues currently being addressed in Congress, including an approximately \$4.5 billion spending bill to provide emergency resources to the rising number of immigrants entering the U.S. at the southern border.

Republican Senator Lindsey Graham of South Carolina also introduced a bill that would require those seeking asylum to apply in their home countries instead of at the border, as well as increase the maximum detention period for minors from 20 to 100 days.

Top state officials have scorned the recent order from Mr. Trump as well as his delay announcement.

“The Trump Administration’s impending blitz of ICE raids across the country, including here in New York, is shameful and wholly unacceptable, and we will fight back at every turn to protect our immigrant families,” Governor Andrew M. Cuomo said in a prepared statement. “As I’ve said before, if there is a move to deport immigrants, then I say start with me—a son of immigrants.”

New York Attorney General Letitia James said in a prepared statement that Mr. Trump’s using of immigrant families as “pawns in a game of political chess is immoral and reprehensible.”

“Immigrants should have never been placed in jeopardy by a president who is willing to rip families apart in order to score points with his base,” she said in the statement.

Concerned residents seeking further assistance can call the Office for New Americans hotline at 1-800-566-7636. Individuals can check if a removal order has been issued against them by calling the Immigration Court Information System at 1-800-898-7180. <http://www.27east.com/news/article.cfm/East-End/597884/Families-Completely-Shaken-Up-After-ICE-Raid-Announcement>

## Greenlight Law

WSKG: New Law Allowing Licenses for Undocumented Drivers Confuses Some County Clerks, Angers Others

By Payne Horning

June 25, 2019

SYRACUSE, NY (WRVO) – The recently passed Green Light Act will allow undocumented immigrants in New York to apply for a driver’s license with foreign passports, consular identification documents, and foreign driver’s licenses. These changes won’t take effect until December, but Seneca County Clerk Christina Lotz says as of now, she does not plan to comply.

“It’s not the right law we should be upholding,” Lotz said. “When you go into a motor vehicle office, you have to have a birth certificate, you have to have a Social Security card, you have to have proof of your address. If these individuals come in and they don’t have that information, I’m supposed to issue them a license but yet I had to turn you away because you don’t have a Social Security card? That’s where we are being put.”

Lotz says she and several other county clerks in the region she has spoken to are opposed to the new law, in part because of the burden it will place on their offices to process unfamiliar foreign documents.

“How do we prove that it’s true and how do we prove that it’s an original and how do we prove that person is who they say they are,” She asked. “What are these documents going to be in? How are we going to translate those? We’re not trained to do that.”

Lotz and Oswego County Clerk Michael Backus are also worried because they took an oath to uphold the U.S. Constitution, which makes Congress the ultimate authority on immigration.

“Predominantly, these are folks that are not legally in the country and that brings up a whole bunch of other questions,” Backus said. “I have some concerns about that and whether the state is infringing upon that federal rule.”

Backus wrote to President Donald Trump this week asking for the U.S. Justice Department to review the law. New York State Attorney General Letitia James recently said it is constitutional and they will defend it in court if necessary.

<https://wskg.org/news/new-law-allowing-licenses-for-undocumented-drivers-confuses-some-county-clerks-angers-others/>

## Harvey Weinstein

Metro: Harvey Weinstein tells reporters ‘I’m not a saint, but I’m not a sinner’ in leaked phone call

By Emma Kelly

June 27, 2019

Harvey Weinstein insisted he was 'not a saint, but not a sinner' in a leaked recording of a conversation with New York Times journalists. The producer's downfall began with a 2017 expose in the newspaper written by journalists Jodi Kantor and Megan Twohey, with over 80 women going on to accuse Weinstein of sexual misconduct or assault. And in the audio of a call from before the publication of the report, Weinstein claimed Kantor and Twohey were basing the report on 'hearsay'. In the phone call published by Inside Edition, which Kantor and Twohey didn't know was being recorded, the reporters explain that they have 'found a pattern over three decades of allegations of sexual harassment of multiple women'. Weinstein is heard saying: 'I think you ought to be specific and tell me who they are and if they're on the record... 'I'm not a saint, but I'm not the sinner you think I am.' Kantor and Twohey approached Weinstein for comment on the allegations (Picture: Taylor Hill/FilmMagic) He later said: 'There are mistakes you've made. I promise we will find them... 'It seems like you have a lot of hearsay on your hands. I'm gonna say this nicely: Get the facts right. You're journalists.' Inside Edition, who stressed that the recording didn't come from the New York Times, are planning to publish a longer segment from the phone call tonight. Weinstein, 66, has denied all allegations of non-consensual sex. The disgraced producer is awaiting trial on five felony charges – two counts of predatory sexual assault, one count of criminal sexual act in the first degree and one count each of first-degree rape and third-degree rape. Separately to the criminal trial, Weinstein is reportedly nearing a \$44 million (£35 million) deal to resolve lawsuits and compensate alleged victims of sexual misconduct. A civil rights lawsuit was filed by the New York attorney general's office in 2018, accusing Weinstein Co's executives and board of failing to protect employees from a hostile work environment and Weinstein's sexual misconduct. MORE: HARVEY WEINSTEIN Dame Judi Dench slams boycotts of Harvey Weinstein and Kevin Spacey's work George Clooney wants to be 'part of the solution' after #MeToo movement Harvey Weinstein reaches 'tentative' \$44million deal to resolve sexual misconduct lawsuits According to The New York Times, around \$30 million would go to plaintiffs including the alleged victims (who remain anonymous), creditors of Mr. Weinstein's former studio and some former employees. The rest would go on legal fees for Weinstein and the other defendants in lawsuit and it's claimed that the sum of \$44million would be covered by insurance, one year after Weinstein filed for bankruptcy. The outcome of this latest civil case, which is yet to be finalised, will not affect his ongoing criminal case, it is claimed.

<https://metro.co.uk/2019/06/27/harvey-weinstein-tells-reporters-im-not-saint-im-not-sinner-leaked-phone-call-10079159/>

## Female First: Harvey Weinstein reporter call audio leaked

June 27, 2019

Audio of a call between the disgraced movie mogul and journalists Jodi Kantor and Megan Twohey - who were behind the October 2017 New York Times expose which accused him of multiple allegations of sexual misconduct - has been leaked, and in the recording, the 67-year-old producer is heard quizzing the reporters for more information about his accusers.

On the audio, which was published by Inside Edition, Weinstein said: "I think you ought to be specific and tell me who they are and if they're on the record...

"I'm not a saint, but I'm not the sinner you think I am."

Elsewhere on the call - which the journalists didn't know was being recorded - the producer could be heard challenging their reporting.

He said: "There are mistakes you've made. I promise we will find them...

"It seems like you have a lotta hearsay on your hands. I'm gonna say this nicely: Get the facts right. You're journalists."

Inside Edition are planning to publish more of the recording - which was made two days before the expose was published - on Thursday (27.06.19).

Weinstein has been accused of sexual harassment, abuse, and rape by more than 50 people, but he has denied all allegations of non-consensual sex, whilst his production company has also been accused of failing to protect their employees.

Of those who have accused him of misconduct, victims have filed more than 15 lawsuits, which are accusing Weinstein or his production company of misconduct, whilst Weinstein himself faces criminal charges including rape and performing a forcible sex act.

Earlier this year, Weinstein reached a "tentative" deal with his sexual abuse accusers to pay \$44 million in compensation.

Lawyer Adam Harris, who is acting for The Weinstein Company co-founder Bob Weinstein, told a bankruptcy court judge: "We now have an economic agreement in principal that is supported by the plaintiffs, the [New York attorney general's] office, the defendants and all of the insurers that, if approved, would provide significant compensation to victims, creditors and the estate and allow the parties to avoid years of costly, time consuming and uncertain litigation on all sides. There is [still] a lot of work here

to do. But I personally am very optimistic."

<https://www.femalefirst.co.uk/celebrity/harvey-weinstein-reporter-call-audio-leaked-1200457.html>

## Other

### Bloomberg: Democrats just got an 'ominous' sign in the fight to save Obamacare

By Erik Larson

June 26, 2019 – 5:15 PM

Democrats seeking to save Obamacare from oblivion were asked by a federal appeals court to explain why they should be allowed to defend the national health-care plan in court if the Trump administration won't.

The U.S. Court of Appeals in New Orleans, with a high-stakes July 9 hearing approaching, posed the question in a brief notice Wednesday to the Affordable Care Act's last defenders: a group of Democratic state attorneys general, led by California, and the Democratic-led U.S. House of Representatives.

The Democrats stepped in to defend Obamacare after the Justice Department abandoned the law when its constitutionality was challenged by a group of Republican-led states. The blue states aim to overturn an explosive December ruling that put former President Barack Obama's signature health-care overhaul on the chopping block, potentially leaving millions of Americans without insurance.

But the Fifth Circuit panel reviewing the case -- whose three judges haven't been identified yet -- is already signaling skepticism by asking the parties to explain within seven days, in a 15-page filing, why they have standing and whether they were too slow to intervene in the case.

The panel hinted that one possible outcome is to declare the red states the winners without even hearing the blue states' arguments.

The judges asked "whether or not, if none of the intervenors have standing, there is a live case or controversy between the plaintiffs and the federal government given their positions on appeal."

One law professor, Nicholas Bagley of the University of Michigan, said in a tweet that the notice from the court was an "ominous sign."

"If neither the blue states nor the House has standing, it would mean that no one has standing to appeal the decision," Bagley wrote in the tweet. "That would effectively leave the lower court decision unappealable."

This isn't the first time the federal courts have faced such a dilemma. When the Obama administration wouldn't defend a federal law that allowed states to refuse to recognize same-sex marriage, the Republican-led House of Representatives was allowed to step in to advocate for the law.

"Presumably, the courts will allow the House to do so again," said professor Charles Silver, a specialist in health-care law at the University of Texas at Austin School of Law.

Silver also said the blue states may have standing, "because they receive substantial benefits that will be imperiled if the statute is invalidated," including billions of dollars promised by the federal government for expanding their Medicaid programs.

Another law professor said that if the appeals court concludes the lawsuit was essentially cooked up by Obamacare foes to get a judge to sign off on the ruling they wanted without anyone defending the opposing viewpoint, the entire case could be dismissed.

"This case could become moot because of the Trump administration's own policy calculations about positions it wants to take," Jonathan Adler, a professor at Case Western Reserve University School of Law who helped draft a filing in the Obamacare case opposing the lower-court ruling.

The Texas attorney general's office declined to comment on the appeals court's notice.

New York Attorney General Letitia James said in an emailed statement that the government's refusal to defend the law in court was an abdication of Trump's Health and Human Services department.

"Americans deserve someone who will fight for them and this right, and that's exactly what we are doing," James said. "Once again, states will step in and lead the way where the federal government fails."

The Obamacare case was filed by a group of Republican attorneys general, led by Texas, in February 2018. In December, a Texas judge appointed by former President George W. Bush ruled in their favor, backing their claim that Obamacare should be scrapped

because Congress removed a key element -- the penalty for not having insurance.

In February, a federal judge dismissed a lawsuit by the state of Maryland seeking a ruling that the Affordable Care Act is lawful even without the tax penalty once tied to it.

While analysts on both sides of the political spectrum have raised doubts about the Texas court's ruling, they say the fight could reach the U.S. Supreme Court. If that happens next year, it could make Obamacare a defining issue in the race for the White House and Congress.

<https://www.bloomberg.com/news/articles/2019-06-26/democrats-just-got-an-ominous-sign-in-the-case-to-save-obamacare>

## ACLU: Equity Must Be At the Heart of Marijuana Legalization

By Sagiv Galai

June 26, 2019 – 1:45 PM

Illinois just passed what may be the most progressive marijuana legalization bill in America. Gov. Pritzker didn't surprise anyone by signing the bill yesterday (he campaigned on the issue), and with the work of the state legislature Illinois is the 11<sup>th</sup> state to legalize marijuana for adult recreational use. This is a deceptively momentous criminal justice reform whose nuances show just why there cannot be justice in drug laws without equity. While a single bill cannot undo the damage rained by the war on drugs, and it cannot halt mass incarceration in a given state, in these 439 pages Illinois legislators not only called out the havoc of counter-productive drug enforcement but promised that the benefits of this important reform will be felt by the individuals and communities most harmed by the war on drugs, namely people of color and people with low incomes.

Marijuana legalization will touch thousands upon thousands of people. In Illinois alone, almost half of all drug arrests were for cannabis-related offenses. In 2010, two years before Chicago City Council decriminalized pot, over 33,000 arrests were made for marijuana possession. That's 91 arrests for pot per day – the highest in the country, and most of these were for 10 grams or less. And while arrests rates for folks smoking weed has plummeted in Chicago (Illinois' largest city) during the last few years, the rates of the disproportionate application of enforcement has remained atrocious. In fact, despite constituting 36 percent of the population of Chicago, in 2016 78 percent of all marijuana arrests were of Black people and less than 5 percent were of white people.

Unfortunately, this is par for the course in America; according to the ACLU's analysis of marijuana possession arrests in the United States between 2001 and 2010, on average Black people are almost 4 times more likely to be arrested for pot than white people. In Iowa, D.C., Minnesota, and indeed Illinois, these disparities ran as high as 7.5 to 8.5 times.

Even with these numbers in mind, before we lift up an aspirational bill such as this one we must answer some critical questions: Does this law address the disparate impact the war on drugs has had on communities of color? What will happen to the criminal records of those who used during the decades of pot prohibition? And will the expansion of the new economic opportunities of the legal market benefit those who have suffered from racist police policies like stop-and-frisk and selective enforcement?

In short, will marijuana legalization be defined by racial and economic justice or not?

After 2014, when Illinois opened the state's economy to the medical cannabis industry it became obvious that those individuals who face the harm of selective drug enforcement also "face greater difficulties accessing traditional banking systems and capital" needed to enjoy the boon of the market. These economic barriers were and are largely structural, and have their genesis in generations of economic disinvestment, segregation and discrimination that have long plagued communities of color.

Recognizing these harms, Illinois legislators have sought to develop robust programs and requirements that will "reduce barriers to entry for individuals and communities most adversely impacted by the enforcement of cannabis-related laws."

Relatedly and importantly, "equitable and accessible" is the centerpiece of this legislation. The Cannabis Regulation and Taxation Act is filled with plans like funding programs in vocational colleges for those who want to learn the technical skills needed to start a cannabis business, agricultural training and skill building in low-income schools, grants to entrepreneurs impacted by cannabis enforcement, required hiring or training of formerly incarcerated people and/or their family members, as well as a guarantee of low-interest loans and many waivers for application fees needed for obtaining a license. For example, one section guarantees that 50 percent of the nonrefundable fee for a cannabis business license application will be waived for all qualifying applicants.

To guarantee that these equity mechanisms actually benefit those who have been disproportionately targeted in the drug war, the bill created a "social equity program" and the "business development fund" exclusively tailored to address barriers of access. This endeavor is reminiscent of the program implemented by the city of Los Angeles in 2017, but goes well beyond its precursors.

One of the funding mechanisms for these programs will be a 3 percent or \$100,000 contribution from all medical dispensaries hoping to get early approval for recreational marijuana permits. This requirement is vital because it will ensure that instead of the rich and unaffected medical industry getting a head start on the market and, as a result, being unfairly positioned to acquire significant portions of the potential profits, the medical industry's historic success in Illinois will be used to contribute to the development of new entrepreneurs and to empower those who have been left out of the medical weed industry due to structural racism and overcriminalization.

The business development fund is designed to give businesses whose employees and owners reflect the populations that have been most targeted by the war on drugs a chance to succeed under the new regulations. The fund will facilitate their receiving low-interest loans. In Illinois' program these will be referred to as "social equity applicants." The term and the benefits that come with the program will apply exclusively to those whose ownership or control is constituted by at least 51 percent of residents from a "disproportionately impacted area," or "individuals who have been arrested for, convicted of..." a cannabis-related offense, or a family member of a person arrested for such a crime. This definition for social equity applicants adds to the innovations implemented by [the city of Oakland](#) in reaction to the deficits in California's regulatory framework for marijuana.

To make sure those who need to learn about these changes get the word, the bill also mandated funds for outreach to disproportionately impacted communities. The outreach will also include predominantly bilingual and immigrant communities in Illinois, ensuring a level of diversity in the market that reflects the state's demographics and empowers immigrant populations.

And just when you think Illinois' bill did it all, there's more.

The bill will also create oversight of the programs that will be at least partially composed of individuals disproportionately affected by the war on drugs, as well as doctors, members of the criminal defense bar, law enforcement officials, state representatives and community leaders. One such body, the office of the Cannabis Regulation Officer, has been charged with the duty of surveying and auditing any discrimination in the industry that may prevent women, the formerly incarcerated, minorities or folks with disabilities from entering the market.

This is what smart drug law reform looks like, and it is how we begin to repair the damage caused during the days of prohibition.

Similar to initiatives launched in [Massachusetts and California](#), by using the revenue generated by taxation of the new recreational cannabis market, Illinois will begin reinvesting in the communities most hampered by the war on drugs. 20 percent of the money will be allocated to mental health and substance abuse programs and 25 percent will be allocated to the pioneering R3 program (Recover, Reinvest and Renew).

Using 1 in every 4 new dollars raised by the marijuana tax, the R3 program was designed to allow leaders who know their communities to retain local control on the development of community-based responses to the damage wreaked by bad law enforcement and generations of municipal disinvestment. The money will be allocated to organizations and innovators seeking to mend their streets through re-entry programs, substance abuse programs, job training programs, violence reduction projects and trauma-treatment centers.

Finally, in terms of [expungement](#), the bill will employ the governor's clemency process to automatically clear the records of anyone sentenced for a marijuana crime of 30 grams or less, and individuals who were convicted of crimes that involved higher amounts of marijuana (30-500 grams) will be empowered to petition the judiciary to vacate their conviction or seek the assistance of the state's attorney in doing so. The State's Policy Advisory Council estimated that more than 700,000 cases will be eligible for expungement as the bill goes into effect in January 1, 2020. This bill will change people's lives.

Illinois has sought to take the lead in the legalization movement, and though as delineated here the bill has many positive aspects, it is not perfect. Because people won't be able to smoke weed in public, individuals who are also prohibited from smoking in their homes, like those who live in federally-subsidized housing, or anyone with an intolerant landlord, remain at risk of fines or arrest, though the bill has done away with the threat of jail or criminal records for marijuana related offenses.

As we watch the 2020 Presidential elections begin to unfold, marijuana legalization will surely remain a key issue for those concerned with our criminal legal system, drug policy, and racial justice. More states need to learn from and mirror the efforts made by Illinois this year. Efforts to legalize marijuana for recreational use in [New Jersey and New York](#) have recently failed to gain sufficient support, but voters won't stay patient for much longer. [New Yorkers got very close last week](#), and the pressure is still mounting, as [Attorney General Tish James reminded leaders of the NY Senate](#): "Over the past 20 years, New York has become the marijuana arrest capital of the world. With nearly 800,000 arrests for possession of small amounts...we have burdened several generations of young men and women with a criminal record for activity that is currently legal in 11 states...In 2016, more than four out of every five marijuana arrests involved either an African American or a Latino." States nationwide should be taking their cues from Illinois. Legalization reforms are as monumental as they are necessary, and they should be enacted everywhere.

<https://www.aclu.org/blog/criminal-law-reform/drug-law-reform/equity-must-be-heart-marijuana-legalization>



## Lexology: NYDFS and Japanese Bank Settle for \$33 million over BSA/AML Allegations

June 26, 2019

On June 24, the New York Department of Financial Services (NYDFS), together with the New York Attorney General, announced a \$33 million settlement with a Japanese bank resolving allegations the bank's internal controls—specifically, its anti-money laundering (AML), Bank Secrecy Act (BSA), and Office of Foreign Assets Control (OFAC) sanctions compliance programs—at its New York Branch were “systematically deficient” between November 2014 and November 2018. This allegedly resulted in violations of state and federal laws and regulations, as well as two previous NYDFS consent orders from 2013 and 2014. The settlement resolves an action that was commenced by the bank against NYDFS in connection with a 2017 application with the OCC to convert its state-licensed branches in New York, Illinois, and California and its state-licensed agency offices in Texas to federally licensed branches and agency offices. The action sought to block a NYDFS order that would keep the bank under its supervisory purview notwithstanding the OCC's granting of the federal charter. The settlement indicates that neither NYDFS, NYAG, or the bank admit any wrongdoing, but have agreed to dismiss all outstanding claims, upon the bank's monetary payment. The settlement states that NYDFS releases the bank of any further obligations related to the previous consent orders and notes that it “will not attempt to exercise any visitatorial power or other supervisory, regulatory, or enforcement authority over [the bank] or its branches or agencies.”

<https://www.lexology.com/library/detail.aspx?g=02a81093-0735-4859-b4aa-7d0813d889ca>

## Data Protection Report: Nine States Pass New and Expanded Breach Notification Laws

June 27, 2019

In the absence of federal action, states have been actively passing new and expanded requirements for privacy and cybersecurity (see some examples here and here). While laws like the California Consumer Privacy Act (CCPA) are getting all the attention, many states are actively amending their breach notification laws. Illinois, Maine, Maryland, Massachusetts, New Jersey, New York, Oregon, Texas, and Washington have all amended their breach notification laws to either expand their definitions of personal information, or to include new reporting requirements.

Below is a roundup of recent and significant changes.

### 2019 U.S. State Laws Round Up:

#### Illinois (**SB 1624**) – *Illinois proposes notification requirements to the Attorney General*

The Governor is expected to sign an amendment to the Personal Information Protection Act, requiring businesses to notify the Attorney General of breaches involving at least 500 Illinois residents. The Attorney General will also be permitted to publish information concerning breaches.

#### Maine (**LD 946**) – *Maine places new restrictions on internet service providers (ISPs)*

Maine's new Act to Protect the Privacy of Online Consumer Information prohibits ISPs from using, selling, or distributing consumer data without their consent. The Act, which will take effect July 1, 2020, will prohibit ISPs in Maine from attempting to pressure a customer into allowing the ISP to sell his or her data including by penalizing the customer or offering a discount.

#### Maryland (**HB 1154**) – *Maryland imposes new requirements on entities following a security breach*

Amendments to Maryland's Personal Information Protection Act go into effect October 1, 2019. Among other things, the amended law: (1) expands the scope of businesses covered by the law to include businesses that own, license **or maintain** personal information of Maryland residents; (2) prohibits a business responsible for a breach from charging the applicable data owner or licensee for information needed for notification; and (3) prohibits business from using information “relative to the breach” for purposes other than providing notification regarding the breach, protecting or securing applicable personal information, and providing notification to certain information security organization to alert and avert future breaches.

#### Massachusetts (**HB 4806**) – *Massachusetts expands data breach notification obligations*

Amendments to the Massachusetts' data breach notification law went into effect on April 11, 2019. The amendments require businesses to offer complimentary credit monitoring for 18 months if a breach involves a resident's Social Security number. Furthermore, breach notifications are to be provided on a rolling basis to avoid delay; and, if the exposed data is owned by a third party, then notice must identify that third party. Lastly, businesses must inform state regulators as to whether they maintain “a written information security program.”

#### New Jersey (**S. 52**) – *New Jersey expands the definition of personal information and modifies notification standards*

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Effective September 1, 2019, New Jersey's law expands the definition of "personal information" to include usernames, email addresses, passwords, and security questions and answers affiliated with an individual's online account. If a breach occurs, businesses are required to notify affected New Jersey residents through written or electronic notice, directing them to promptly change their log-in credentials associated with that business, and any other accounts in which they use the same username or email address, password, or security questions/answers. Importantly, if a resident's email account is the subject of the security breach, the business cannot provide electronic notice to that email.

**New York ([SB5575B](#)) – *New York expands the scope of protection under the law and establishes standards for businesses to protect consumer information***

Amendments to the Stop Hacks and Improve Electronic Data Security Act expand security breach protection to the following categories: (1) biometric data, (2) account numbers and credit or debit card numbers without a security code, and (3) usernames, email addresses, passwords, and security questions and answers. Businesses are exempt from issuing breach notifications when (1) the breach results from an unauthorized person's inadvertent disclosure *and* the business reasonably finds that the breach does not pose any financial or emotional harm, or (2) the business has already sent out notifications under federal or other New York regulations. Additionally, the definition of "breach" is expanded to include unauthorized access, in addition to acquisition, of private information. Further, businesses are directed to take "reasonable safeguards" in protecting information through procedures such as, but not limited to: designating and training employees to implement and oversee security programs; regularly testing the effectiveness of security programs and making necessary modifications; and promptly deleting private information that is no longer used. Furthermore, the New York Attorney General will have three years, instead of two, to bring an action against a business for violating the act.

**Oregon ([SB 684](#)) – *Oregon expands the scope of protected data and notification requirements for vendors***

Effective January 1, 2020, the Oregon Consumer Information Protection Act extends certain data breach notification requirements to vendors. Vendors must now notify any contracted "covered entity" within 10-days of discovering a breach of security, as well as the Attorney General, if the breach involves more than 250 consumers or if the number of individuals effected is unknown. Notification to the Attorney General is not required by vendors if the covered entity has already notified the Attorney General. The law also expands the definition of "personal information" to include "user names or other means of identifying a consumer for the purpose of permitting access to the consumer's account."

**Texas ([HB 4390](#)) – *Texas adds definitive notification timeline and establishes an advisory council***

Effective January 1, 2020, amendments to the Texas Identity Theft Enforcement and Protection Act law require businesses to send breach notifications (1) to affected individuals without "unreasonable delay," but no later than 60-days after identifying such breach, and (2) to the Texas Attorney General within 60-days of identifying the breach, provided that the breach effects at least 250 Texas residents. Moreover, the law establishes a Texas Privacy Protection Advisory Council consisting of 15 appointed members who are "to study data privacy laws in [the] state, other states, and relevant foreign jurisdictions."

**Washington ([HB 1071](#)) – *Washington expands the definition of personal information and sets new notification requirements***

Effective March 1, 2020, the definition of "personal information" is expanded to include the following categories: birthdate; unique private keys for signing electronic records; student, military, or password identification numbers; medical information; biometric information; and online login credentials. Businesses may send breach notifications by email, unless the breach involves the credentials associated with that email account. If the breach effects more than 500 residents, then the entity must provide notice to the Attorney General, identifying the type of information exposed, the time frame of exposure, the steps taken to fix the breach, and a copy of the notice sent to affected individuals. Entities must provide updated notice to the Attorney General if any information required to be provided to the Attorney General is unknown at the time the notice is filed. Lastly, the law reduces the prior 45-day notification timeline to 30-days.

<https://www.dataprotectionreport.com/2019/06/nine-states-pass-new-and-expanded-data-breach-notification-laws/>

**Security Info Watch: New York Legislature Strengthens Data Breach Policies with SHIELD Act**

By Lucas Ropek

June 26, 2019

A new bill recently passed by the New York Legislature would change the state's approach to data breaches, providing consumers with more transparency while also imposing more stringent penalties on companies for cyber incidents.

The [Stop Hacks and Improve Electronic Data Security Act](#), or SHIELD Act, would update the state's breach notification laws, broadening the definition of what constitutes a breach, as well as expanding the current notification requirements for companies that are the source of the information leak.



As states across the country have sought to adopt consumer privacy legislation, New York legislators have pushed for some of the most comprehensive bills yet. Another recently introduced bill, [the New York Privacy Act](#), has sought to go even further than the California Consumer Privacy Act — giving residents unparalleled access to and control over their own data.

SHIELD was originally proposed by former Attorney General Eric Schneiderman in 2017, shortly [after the Equifax data breach](#) that affected over 145 million consumers. Since then, myriad companies have suffered through similar large-scale breaches, spurring lawmakers to shift regulatory frameworks to fit the new world of hacks and breaches that Americans live in.

Since its introduction, SHIELD has gone through a number of revisions, but its most current iteration received its first reading in May, made its way through the Legislature throughout June, and now heads to Governor Andrew Cuomo's desk, where it is expected to be signed into law.

The legislation expands the legal definition of what counts as data to include biometric data, as well as email addresses and their corresponding passwords and security questions. At the same time, it also expands what counts as a breach — changing the definition from one of acquisition to one of unauthorized access, which can include unauthorized viewing and copying, among other things.

The legislation also requires that companies implement "reasonable safeguards" to protect consumer data, while also expanding the current breach notification requirement, mandating that any person or organization affected by a breach be notified. Previously, notifications were only required for companies that do business in New York.

The bill would also broaden the oversight and power of the state attorney general to mitigate the kinds of legal conflicts instigated by large-scale breaches.

The bill would not give consumers a private right of action — an individual right to sue companies for breaches — which has often been held up by privacy rights activists as an ideal inclusion for legislation. However, it would cede legal authority to the AG, allowing for *parens patriae*, where punitive action is taken by a central authority on behalf of a collective.

"Consumers deserve the peace of mind that their private information is secure," said current Attorney General Letitia James [in a statement](#), lauding the passage of the bill. "That's why my office has been working hard this session to modernize our outdated laws governing data breaches. This bill is an important step forward providing greater protection for consumer's private information and holding companies accountable for securing that data."

The question of whether the legislation goes far enough to protect consumer data depends on who you ask, however.

While many officials have lauded the new bill, Lee Tien, senior staff attorney for the Electronic Frontier Foundation, said that he felt the expansion of data breach definitions should be considered a basic measure, while adopting *parens patriae* over private right of action was not a preferred course of action.

"The history of litigation in this country is full of situations where a lot of different people brought lawsuits because of something a company did that hurt people in many different places," Tien said, arguing that ceding the power of legal recourse to a public official was an ineffective means of holding companies accountable.

Tien also said he felt that laws and regulations need to create more clarity about what counts as "data," how to protect that data, and what to do when it is compromised.

On the whole, many officials have described the legislation as an attempt to adapt to and keep pace with the acceleration of technology, and the many forms of data that come with it.

"Technology is evolving at an ever increasing pace, and government needs to step up to protect New Yorkers' privacy and personal data," said Senate Majority Leader Andrea Stewart-Cousins, [in a statement associated with the new legislation](#). "Consumers deserve the peace of mind of knowing that their personal information isn't being disseminated without their consent."

Lucas Ropek is a staff writer for Government Technology. He has worked as a newspaper reporter and writer in Massachusetts and New York. He received his Bachelor's degree in English from Kenyon College in Ohio. He lives in Northern California.

<https://www.securityinfowatch.com/cybersecurity/information-security/breach-detection/news/21086446/new-york-legislature-strengthens-data-breach-policies-with-shield-act>

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[The Sport Mail: Global Endpoint Security Market 2019 by Manufacturers, Regions, Type ad Application, Forecast to 2023](#)  
June 26, 2019

The data collected in the "Global Endpoint Security Market – Segmented by End user (Personal and Corporate), and Region – Growth, Trends, and Forecasts (2019 – 2023)" report ([Sample Copy Here](#)) offers detailed insights on the market dynamic forces to

enable informed business decision making and development strategy formulation supported on the opportunities present in the market. Endpoint Security Market report delivers the most up-to-date industry data on the actual and potential market situation, and outlook.

The Global Endpoint Security Market 2019 is bifurcated into multiple segments [Product, Applications, End-Users, and Major Regions]. The global Endpoint Security Market report represents the market's data in a better-analyzed way by fragmenting the market in several multiple segments product, its end-users, applications, and others of the market segments. A review of the impact of the administrative regulations and policies on the Endpoint Security Market operations is also included in this report. The Endpoint Security Market report offers a complete analysis of competitive dynamics that are modifying and places the patrons ahead of competitors.

#### Endpoint Security Market Segmentation by Major Players:

Cardon Black Technology Inc., Cisco Systems, Cylance Inc., McAfee Inc., CrowdStrike Inc., Trend Micro Inc., Symantec Corporation, Palo Alto Networks Inc., RSA Security LLC, FireEye Inc., SentinelOne Inc., Sophos Group Plc, IBM Corporation, Kaspersky Lab Inc., Panda Security S.L, Eset LLC, Fortinet Inc., Bitdefender LLC, Avast Software Inc.

#### Overview of Endpoint Security Market Report:

*In 2017, the endpoint security market was valued at USD 10.18 billion and is expected to reach a value of USD 17.92 billion by 2023, registering a CAGR of 9.88% during 2019-2023 (the forecast period). The scope of this report is limited to the software solutions that are offered by vendors, which include advanced real-time threat protection, threat intelligence management, forensic analysis, and other techniques to help identify, correlate, and block potential threats. Some solutions include additional features like DLP, encryption, and web and email security, among others.*

*With the rapid growth in the number of cyber-attacks, the demand for strict acquiescence and security packages, to protect confidential data across different verticals, such as government, banking, retail, and manufacturing among others, is increasing and expected to drive the growth of the endpoint security market. Also, a number of companies are realizing the importance of being equipped with high-quality security solutions. Further, the rising adoption rate of various cloud applications, in particular email, is leading many organizations to opt for cloud security solutions. Therefore, the market is likely to witness a healthy growth.*

#### *North America To Hold The Largest Market Share*

*North America is the major hub for all the major enterprises in the world. The expansion of the retail sector and the growth of IoT are driving the demand for smart devices and mobiles in the region. Cyber-attacks in North America, especially in the United States, are rising rapidly and have reached an all-time high, owing to the increasing number of connected devices in the region. In the United States, consumers use public clouds and many of their mobile applications are preloaded with their personal information for the convenience of banking, shopping, communication, etc. In 2016, there have been a number of cyber-attacks, ranging from the theft of 40 million debit and credit card information to compromising over 22.8 million private records of New Yorkers from the New York Attorney General. Most of the private-company and personal data are at the risk of security breach. Moreover, the rise in the number of portable smart devices has led to an increase in the number of endpoints, which has augmented the number of security breach. All these factors have been instrumental while driving the growth of the endpoint security market in North America.*

#### *Increasing Number Of Mobile Devices*

*There is an increasing concern regarding the level of mobile protection that is being offered as endpoint security solution. Yet, there is an increasing importance of mobile devices in any organization as of the current scenario. Device control is a growing concern in the organizations, as proper device control is necessary to protect the confidential data. There are many mediums by which confidential information that are difficult to track can be compromised, thus, leaving vulnerabilities in the network. There is a need for embedded security, as mobile endpoints store a large amount of application and critical data. It has been identified that cyber criminals have turned mobile endpoints as their main targets. For instance, in India, according to the RBI, SBI reported frauds worth INR 2,236.81 crore, followed by Punjab National Bank at INR 2,250.34 crore, and then Axis Bank at INR 1,998.49 crore, mainly due to frauds in mobile and internet banking.*

*With the advancements in the mobile technology, mobile endpoint security solutions need to manage the current mobility environment, with a mix of mobile endpoints, operating systems, and other personal data without compromising the user experience, privacy, and data. To take full advantage of the workforce mobilization, enterprises need to come up with more efficient and comprehensive enterprise mobility management solutions, rather than relying on short-term management solutions. Such a solution is offered by Symantec Corporation for endpoint protection of mobiles that responds in real time to many identified threats and takes deliberate actions and also leverages on machine learning, to protect connected devices and resources.*

*The key players in this market include: Cardon Black Technology Inc., Cisco Systems, Cylance Inc., McAfee Inc., CrowdStrike Inc., Trend Micro Inc., Symantec Corporation, Palo Alto Networks Inc., RSA Security LLC, FireEye Inc. and SentinelOne Inc. Other players include Sophos Group PLC, Microsoft Corporation, Kaspersky Lab Inc., Panda Security SL, Eset LLC, Fortinet Inc., AVG*

## Law360: States 'Stepped Into the Breach' As Crypto Market Exploded

By Dean Seal

Law360 (June 26, 2019, 9:53 PM EDT) -- While the eyes of the investing public have been trained on the U.S. Securities and Exchange Commission's efforts to police the nascent cryptocurrency market over the past 18 months, New York's attorney general turned heads in April when she accused digital currency trading platform Bitfinex of hiding the loss of \$850 million by tapping into the reserves of an affiliated cryptocurrency.

AG Letitia James' efforts to halt the alleged "dissipation" of U.S. dollars were the culmination of strides state agencies have made alongside federal regulators since the price of bitcoin hit its all-time high at the end of 2017. As the SEC "was and continues to be overwhelmed" by the breadth of its unsettled enforcement responsibilities, states have readily "stepped into the breach," according to Morrison Cohen LLP partner Jason Gottlieb.

When bitcoin's fitful popularity hit a fever pitch on Dec. 17, 2017, nearing \$20,000 in value only to drop by a third over the following week, it wasn't just adventurous investors who took notice.

"We saw the price of bitcoin skyrocket, and we know bad actors tend to get involved in these types of industries. They tend to follow the headlines and see what's trendy," Joe Rotunda, the Texas State Securities Board's enforcement director, told Law360. "So we decided to take a look."

Days after revving up a targeted cryptocurrency investigation, the Texas securities watchdog became the first state agency to take action against a cryptocurrency firm when it hit USI-Tech Ltd. with an emergency cease-and-desist order on Dec. 20, 2017, halting the Dubai-based company's unregistered offering of investments tied to bitcoin mining.

The first 30 days of the Texas agency's sweep saw more than 30 cases opened against cryptocurrency companies. None of the businesses were registered to sell securities, some of them concealed the identities of their principles and offices, and many of them made false promises about compliance with legal and licensing provisions, according to Rotunda.

"In other words, it was a considerable amount of fraudulent activity, and it turned out to just be the tip of the iceberg," he said.

With more enforcement actions to follow, including an emergency halt of operations that hastened the demise of U.K. cryptocurrency marketplace BitConnect, Texas quickly set the pace for other states to go after allegedly fraudulent investment schemes linked to initial coin offerings, or ICOs, and other cryptocurrency offerings.

Massachusetts officially entered the arena on Jan. 17, 2018, when, noting the "frenzied interest surrounding bitcoin," its secretary of the commonwealth filed an administrative complaint accusing a state resident and his Cayman Islands-based company Caviar of selling "Caviar tokens" as unregistered securities.

Regulators in New Jersey and South Carolina joined in soon after, with the Garden State halting the ICO of a company touting action movie star and "Zen master" Steven Seagal as its brand ambassador and the Palmetto State taking aim at a purported bitcoin mining company in Switzerland.

Those March 2018 actions came just as the SEC issued a warning that platforms trading digital currencies and conducting ICOs may fall outside of standard investor protections afforded by securities laws.

According to Gottlieb, who tracks cryptocurrency- and blockchain-related litigation in databases available on Morrison Cohen's website, the SEC has largely divided the ICO world into three categories of enforcement: outright frauds, legitimate businesses that host offerings by fraudulent means and legitimate businesses that aren't registered to sell the tokens they're offering.

With the federal agency spending so much time with the first two categories, Gottlieb said, it was the states that stepped up to tackle the third. Their focus on quelling unregistered ICOs, often before they occurred, bore out in the spring of 2018, with Massachusetts' securities regulator announcing it had ordered five area firms that use blockchain technology to immediately halt their planned ICOs and the Texas securities board filing a seventh action in its cryptocurrency crackdown.

"We were focused on stopping ongoing conduct," Rotunda said. "We were trying to stop these things before they got too big."

That mentality ultimately led to the North American Securities Administrators Association, where Rotunda is the vice chair of enforcement, to announce in May 2018 the largest coordinated series of enforcement actions by state securities regulators in the U.S. and Canada to crack down on illicit ICOs and cryptocurrency-related investment products.

More than 40 jurisdictions in North America took part in "Operation Cryptosweep," which led to nearly 70 inquiries and investigations and 35 pending or completed enforcement actions in May 2018 alone.

Shortly after the operation was announced, the association found that state regulators had launched more than 200 investigations into suspect cryptocurrency offerings, Rotunda said. While Texas led the first quarter of 2018 in closing enforcement actions, Alabama concluded six of its own over the second and third quarters of the year, and in the latter half of 2018 Colorado finalized 10 and North Dakota finished off five, according to data tracked by Morrison Cohen.

Operation Cryptosweep, which has officially logged nearly 50 resolved enforcement actions in the past 12 months, sent a message to companies, their lawyers and their advisers that state regulators were paying close attention to ICOs. Rotunda thinks that message has been heard, given the relative slowdown in actions filed since the start of 2019.

Texas appears to be the only state to file an action against a crypto company this year, including its shutdown of FxBitGlobe in April, although Rotunda guesses that more actions are being carried out in other states but haven't been reported under the banner of Operation Cryptosweep, which only lists enforcement actions from 15 states.

Notably not among them is New York. But, according to Gottlieb, the Empire State is "a completely different case."

"They're going after some bigger game," he said, referring to the case against trading platform Bitfinex.

The New York attorney general obtained a court order in late April requiring Bitfinex owner-operator iFinex to halt any further "dissipation" of U.S. dollars used to back its cryptocurrency Tether, which claims to maintain 1-to-1 U.S. dollar reserves, and to comply with a subpoena served on the Hong Kong-based company last fall. James' office accused Bitfinex and Tether of having "defrauded New York investors" when the exchange dipped into \$700 million of Tether's reserves after \$850 million allegedly went missing.

Unlike other states, New York's infamous anti-fraud statute, the Martin Act, does not establish a state-level securities regulator and instead vests the state attorney general with the sole responsibility for its enforcement. That ostensibly makes the Bitfinex case the first crypto-linked enforcement action to play out in a state court rather than through an administrative proceeding or cease-and-desist order.

While this may be the first crypto-linked case the New York AG's office has filed, Alexander Drylewski of Skadden Arps Slate Meagher & Flom LLP said the regulator has been far from lax in its examination of the digital asset market. The office's Virtual Markets Industry Initiative, launched last year, sought information from 13 notable cryptocurrency exchanges, including Bitfinex, on their market manipulation prevention practices and found vulnerabilities across many platforms.

"[The New York AG's office] has certainly been busy on the investigative side of things," Drylewski told Law360. "It may simply be taking its time to gather all the relevant facts before deciding whether to file other suits, knowing that such suits would be public and highly visible."

With hundreds of millions of dollars at issue and Bitfinex and Tether's prominence in the digital asset marketplace, the New York AG's case against the foreign company will be closely watched by the investing and legal community.

"You would anticipate that a suit like [James'] is a prelude to a suit on the merits for securities fraud or other allegations they've already put into their petition for documents," Morrison Cohen's Gottlieb said.

As the New York AG's case continues to play out with resistance from iFinex, which denies the allegations and disputes the AG's jurisdiction, Rotunda says his office and other state regulators around the country will continue to hold themselves out as the "very first line of defense" against fraud in the cryptocurrency market.

"We're the ones acting as the law enforcement agencies conducting the investigations," Rotunda said. "We're talking with these victims. We're hearing their stories. We're getting their evidence, and we're pursuing actions to keep others from getting hurt."

## Climate Liability News: Exxon Continues to Fund ‘Science’ Group Steeped in Climate Denial and Delay

By Karen Savage

June 26, 2019

ExxonMobil is funding a little-known nonprofit that calls itself a “pro-science advocacy organization,” but whose scientific advisory board includes several renowned climate deniers and has worked for decades to sow doubt about the health impacts of climate change.

Records show the ExxonMobil Foundation provided grants of at least \$60,000 in both 2017 and 2018 to the American Council on Science and Health (ACSH), a group that says its mission is to “publicly support evidence-based science and medicine.”

Members of the ACSH scientific advisory board, however, include a who’s who of climate deniers, including Patrick J. Michaels, who has worked for more than 30 years on behalf of the fossil fuel industry; S. Fred Singer, who last year wrote an article for the Wall Street Journal falsely claiming that sea level rise is not caused by climate change; and William Happer, a current member of President Trump’s National Security Council who as recently as 2016 argued that carbon dioxide is not a pollutant.

Documents recently revealed in an investigation by The Guardian show ExxonMobil’s current funding of the ACSH began prior to 1999, when Exxon and Mobil merged to become Exxon Mobil Corporation, one of the largest oil companies in the world.

“ACSH is a front group for libertarian billionaires, fossil fuel companies, and basically every other industry selling dangerous products,” said Geoffrey Supran, a Harvard University researcher who in 2017 published a study that showed how Exxon’s internal memos take the climate issue seriously while its public communications emphasize doubt about the science.

ACSH has also defended fracking as safe for the environment, denied the dangers of bisphenol-A (BPA) and opposed efforts to limit sugar in sodas, among other pro-industry stances.

Corporations fund nonprofits, think tanks and trade groups, many of which are “dark money” organizations that do not disclose their donors to the public, to further their interests without directly being tied to the groups’ work.

“This is just one more example of how these large corporations use third-party organizations to convey their message without being directly connected to them,” said Drexel University environmental sociologist Robert Brulle, who is now a visiting professor of environment and society at Brown University.

“It fits exactly with the kind of stuff ExxonMobil has done for years and years—this is exactly their strategy,” said Brulle, who has studied the funding patterns of organizations connected to climate denial. “The question is what is still going on and why does Exxon still have its connection to this group after all these years?”

In addition to its questionable science advisory board, the ACSH board of trustees includes Fred L. Smith, founder of the conservative think tank Competitive Enterprise Institute (CEI) and current director of CEI’s Center for Advancing Capitalism.

In a bit of irony, Exxon said in 2006 it would stop funding CEI (which it had given nearly \$2 million between 1998-2005) because of its work denying climate change, but it continued to fund ACSH at least through 2018, the last year for which data is available.

ExxonMobil’s current funding of ACSH is a continuation of a relationship that goes back decades.

Prior to merging in 1999, Exxon and Mobil both funded the ACSH, according to internal Mobil Foundation documents, which include a list of potential grant recipients as well as Mobil’s justification for the funding decision. They reveal that the Mobil Foundation provided at least \$125,000 in grants to the ACSH between 1981-93 and funding was expected to continue into 1994.

The Mobil Foundation recommended continuing to provide funding to the ACSH in part because “the Council has achieved high credibility and recognition in the media and scientific community, as evidenced by wide publication of their positions in the press and scientific journals.”

It’s unclear what the most recent ExxonMobil Foundation grants were used for, but Alex Berezow, vice president of scientific affairs for ACSH, said they weren’t designated for any specific research or project.

“Our policy for the past several years precludes us from doing specific research in exchange for corporate grants,” Berezow said.

Since its founding in 1978, the ACSH has worked to promote corporate positions on science, most often taking the position that chemicals are not a threat to humans or the environment.

“It’s a quintessential anti-science astroturf in the fossil fuel industry’s web of denial and delay—this is an organization founded by money from libertarian ideologues like the Scaifes, Olins, and Kochs,” Supran said. “Unsurprisingly therefore, ACSH’s rhetoric on

the climate crisis since the 1990's has masterfully complemented the talking points of its fossil fuel funders, including Exxon, Mobil, ExxonMobil, Chevron, Shell, and the American Petroleum Institute."

Exxon, Mobil and "The Great Defender of Petrochemical Companies"

ACSH was founded in 1978 by Elizabeth Whelan, a public health scientist with postgraduate degrees from Yale and Harvard, who died in 2014. She wanted to counteract the work of environmental and consumer advocacy groups, which she said were not using sound science about the dangers of products to the environment and public health. "We help policymakers see past scaremongers and activist groups who have targeted GMOs, vaccines, conventional agriculture, nuclear power, natural gas, and 'chemicals,' while peddling health scares and fad diets," the ACSH website says.

It's unknown whether Exxon and Mobil's funding was used for a specific project or research, but the ACSH grant was recommended by Mobil's public relations department, which said Whelan's work was a major benefit to the company.

Whelan's description of the ACSH was much more candid. In a 1992 memo, she referred to the organization as "the great defender of petrochemical companies."

In a 1998 article titled, *Global Warming Not Health Threat*, Whelan wrote that climate science is "is rife with uncertainty as are the allegations for the health effects" and climate change models are "far from perfect."

"As for the hypothetical health effects that are based on the alleged global warming, these predictions are even more dubious," wrote Whelan, adding that limiting greenhouse gas emissions could worsen human health in developing countries.

Supran said ACSH vociferously promoted Mobil's position that addressing climate change would result in severe adverse economic impacts and increase poverty.

"ACSH was and is a talking head, amplifying the fossil fuel industry's narrative while maintaining the false pretense of an "independent" voice," Supran said. "Their rhetoric faithfully echoed Mobil's key themes of doubt: that global warming is not real and human-caused, not serious, and not solvable."

ExxonMobil did not respond to a request for comment.

Wanted: Studies to "Put Climate Change Health Hazards in Perspective"

It was at the urging of Mobil that the Global Climate Coalition (GCC), a fossil fuel industry-backed group that worked from 1989 to 2002 to strategically undermine international climate negotiations, looked to the ACSH for help downplaying the potential health effects of climate change.

By the mid-1990's, the GCC and its fossil fuel members, including many ACSH funders, had become concerned about the growing body of research suggesting climate change could cause serious health impacts.

Exxon scientists Dennis Devlin and Barry Friedlander presented a summary of published literature on the health impacts of climate change during a September 1996 meeting of the Global Climate Coalition's Science and Technology Assessment Committee. The presentation emphasized "key knowledge gaps" and "advocated critical evaluation of models and ongoing studies to put climate change health hazards in perspective."

After the presentation, the GCC meeting attendees discussed the findings and brainstormed "ways of encouraging a more balanced scientific evaluation of this concern."

To provide that "balance," Lenny Bernstein of Mobil suggested Whelan and the ACSH.

Bernstein told the group that Whelan was considering an "independent assessment on the climate change and health issue." He also noted that many of the Global Climate Coalition's member companies financially support the ACSH and urged them to contact her to suggest she write an assessment.

"The health issue is increasing in importance with the climate change issue, as with other environmental issues," wrote the Global Climate Coalition in meeting minutes from January 1997. "The GCC has got to be prepared to respond to the issue this year."

Disregarding the growing body of research indicating otherwise, the GCC in early 1997 wrote in a position paper that "attempting to link global climate change and adverse health impacts requires a long and very tenuous stretch." The group downplayed the work of a 1995 report by the Intergovernmental Panel on Climate Change (IPCC)—an intergovernmental body of the United Nations that includes the world's leading climate scientists—writing "concerns that climate change might be the cause of various health problems rests on a number of unproved assumptions."

The Global Climate Coalition also provided the ACSH with a two-part grant to study the health effects of climate change.

The study, however, would be anything but independent.



By early summer 1997, the GCC had reviewed a draft of the report and suggested edits. The ACSH then began working on a rewritten draft to be reviewed by GCC committee members.

It's unclear if that report was ever published, but later that year the ACSH published "Global climate change and human health."

As the GCC had hoped, the report downplayed the views of mainstream science and said "implementation of current proposals for mitigation measures—measures to stabilize the concentration of greenhouse gases in the atmosphere—would be both costly and ineffective."

Brulle said corporations and industry groups like the GCC use organizations like the ACSH to add a "veneer of legitimacy."

"This really fits directly into this whole strategy of third party spokespersons, taking your point, but not attributing it to you, it's attributed to an 'independent' organization," Brulle said.

The ACSH report did not disclose its funders, but concluded that "policymakers can safely take several decades to plan a response, and scientists will have enough time to develop cost-effective anti-climate-change strategies."

When asked if the published report was funded by the Global Climate Coalition or if another report was published, Berezow said he did not know.

"Anyone who would know the answer to that question is either deceased or retired," he said.

#### ACSH Benefits to ExxonMobil: Denial and Delay

After years of scrutiny, ExxonMobil has stopped funding some of the more vocal climate deniers and organizations. In addition to dropping CEI, the oil giant has ended its membership in the American Legislative Exchange Council and has said it no longer funds the Cato Institute, the Heartland Institute and the Institute for Energy Research, all organizations that are heavily industry-influenced and have worked for years to deny climate change and delay the regulation of greenhouse gas emissions.

But ExxonMobil continues to fund the ACSH despite the organization's position that "climate change is a slow-moving threat whose consequences are in the medium- to long-term future, not the near-term."

"We typically only talk about climate change tangentially. For instance, we support Generation IV nuclear power because, among many other things, it helps reduce carbon emissions," Berezow said, adding that the organization's main focus is on biomedical science and public health.

Brulle said while using third-party spokespeople and groups like the ACSH isn't new, ExxonMobil's continued relationship is notable.

"I do find it a little surprising that ExxonMobil would be cozy enough to be directly connected to this group," Brulle said.

Supran said ACSH continues to be an excellent investment for ExxonMobil.

"In a 2016 ACSH article promoting the authority of discredited and debunked climate deniers and delayers, for instance, ExxonMobil's funding fingerprints are nowhere to be found," Supran said, referring to *Meet the Scientific Outcasts and Mavericks*, which was authored by Berezow.

In *Are The 'Green 20' Suppressing Scientific Dissent?*, posted in 2017, then-ACSH president Hank Campbell, critiqued the New York attorney general's office for its investigation of ExxonMobil for possibly deceiving its investors on the risks of climate change.

In another, *Al Gore: Still Demented After All These Years*, Berezow said in 2017 that the world's biggest health problem is poverty, not climate change. "When it comes to human disease, climate change is mostly a distraction. Eliminating poverty will do far more to save people's lives than lowering the temperature a notch," Berezow said.

Nowhere on the ACSH website is ExxonMobil's funding acknowledged.

"As it's grown more publicly untenable for companies themselves to publicly deny basic science, front groups like ACSH help do their dirty work," said Supran, adding that the ACSH is a prime example of how ExxonMobil's denial and delay continue through increasingly veiled initiatives.

"ACSH's faux-scientific calls for 'evidence-based science' and its fixation on false dichotomies between meaningful climate action on the one hand, and poverty reduction and economic growth on the other, align with, extend, and amplify ExxonMobil's own talking points," he said. "The rhetoric has shifted an inch, but it's just a rose by any other name—the goal is the same: inaction."

<https://www.climateliabilitynews.org/2019/06/26/exxon-climate-denial-american-council-science-health/>



June 26, 2019 – 12:39 PM

New York State is challenging the Shinnecock Indian Nation's sovereignty on the site of a 61-foot-tall electronic billboard recently installed by the tribe south of Sunrise Highway, according to recent court filings in the state's ongoing lawsuit over the project.

An amended complaint filed electronically June 21 by a representative of state Attorney General Letitia James' office notes that the tribe's Westwoods site is made of three Hampton Bays properties west of the Shinnecock canal and that although it is owned by the tribe, it is not a part of the Southampton reservation.

"The Westwoods is separate and apart from the Shinnecock Indian Reservation," the complaint states. "The Westwoods is not aboriginal or sovereign lands."

Tribal council of trustees vice chairman Lance Gumbs declined to comment Tuesday on that argument. The tribe has repeatedly asserted it is immune to lawsuits and that it does not need the state's permission to move forward with the project.

The tribe contends the case should be dropped. Arguments are scheduled to be heard Thursday in state Supreme Court in Riverhead.

A June 10 filing by the tribe's lawyers in support of dismissing the case notes that "though Plaintiff has never taxed the lands in question and has treated them as Shinnecock Indian territory from time immemorial, it now seeks to colonize these woods in furtherance of the aesthetic desires of the Southampton elite."

The state Department of Transportation has alleged the Shinnecoeks did not obtain the proper approvals to perform the work within a state right of way and that the 61-foot-tall structures — one completed on the south side of Sunrise Highway and another under construction on the north — pose safety concerns for the more than 15,000 people who travel across the stretch every day.

"The state continues to pursue whatever actions are necessary to fulfill its obligation to uphold state and federal law," a DOT spokesman said Wednesday.

The state filed a lawsuit against the individual tribal council members and their contractor, Larry Clark, on May 24. State Supreme Court Justice Cheryl Joseph issued a restraining order barring the tribe from operating the signs while the case is pending, an order the Shinnecoeks have ignored. State lawyers have asked that the defendants be found in contempt of court and fined for disobeying the judge's mandate.

"Members of an Indian tribe acting outside of their reservation can evade state law no more than anyone else and the state may sue to enjoin them from continuing to flout the law," Assistant Attorney General Christopher Gatto wrote in the amended complaint.

Representatives from James' office did not respond to a request for comment.

The tribe says the billboards, which it calls monuments, are a needed economic development project.

In an affidavit filed June 6, Clark said negative attention generated by the state's case and pushback from Southampton Town officials have made the sites less desirable to advertisers. He said his firm has already invested \$2 million in the project, which he fears it will not be able to recoup because interested advertisers have dropped from 15 to two.

"Those who would have partnered with our company will look elsewhere to find a partner," the affidavit states.

Clark declined to comment.

<https://www.newsday.com/long-island/suffolk/shinnecock-electronic-billboard-1.33001433>

## Real Estate Weekly: Toledano vows to rebuild after settling tenant harassment charges

By Sabina Mollot

June 26, 2019

East Village landlord Raphael Toledano is looking forward to rebuilding his real estate career after being slapped with a \$3 million compensation order for trying to harass tenants out of their rent regulated apartments.

"Mr. Toledano looks forward to working carefully in the future and has the potential to be one of the most successful young real estate entrepreneurs in the city now that these issues have been resolved," said Toledano's attorney, Ben Brafman, of Brafman & Associates, P.C.

Brafman, whose celebrity clients include Harvey Weinstein and Sean Combs, added “We are both very pleased that today’s settlement with the attorney general resolves all legal matters.”

Attorney General Letitia James last week ordered the principal of Brookhill Properties to work under the supervision of an independent monitor or risk a lifetime ban from the business as part of a settlement over a slew of charges brought by the state’s Tenant Protection Unit (TPU).

The TPU began investigating the 30-year-old investor following complaints from rent regulated tenants about lack of utilities, illegal construction, coercive buyouts and veiled immigration threats.

“This investigation identified a consistent pattern of illegal conduct, including fraud and tenant harassment, in Toledano’s real estate business,” said the AG.

As far back as 2014 when Toledano began amassing his real estate portfolio, the investigators found that he was engaged in deceptive business practices, misrepresenting himself as a lawyer and advertising apartments with three or four bedrooms, when legally the apartment could only have one or two bedrooms.

He also misrepresented himself as being affiliated with well-known developers when contacting sellers of properties he wanted to flip.

According to the complaint, Toledano sold the contract rights to purchase 222 East 27th Street to Madison Realty Capital, a private equity firm that both acquired rent regulated buildings and lent to purchasers of rent-regulated buildings. Madison later became Toledano’s largest mortgage lender.

Starting on or around March 2014, Toledano began representing himself to property owners as an attorney for Josh Zegen, one of Madison’s co-founders, soliciting real estate deals on Zegen’s behalf.

At one 13th Street building, tenants were approached with buyout offers from a “tenant relocater” who asked for proof of their immigration status.

And at an East 12th Street property, there was no cooking gas for a year.

Jim Markowich, a former tenant at an East 5th Street building owned by Toledano, said, “We feel that he consciously and strategically tried to make our lives as his tenants unnecessarily upsetting and difficult. For example, there was sudden, unannounced, slap-dash demolition work that released elevated levels of lead dust into buildings where toddlers were living.”

Between 2014 and 2016, Toledano acquired a portfolio of 29 buildings in the East Village, but by April, 2017, all were the subject of bankruptcy and foreclosure proceedings or sold off after Madison Realty Capital began foreclosing on its loans.

Even then, the AG said Toledano took security deposits from would-be market-rate tenants that he never returned.

The settlement was reached on June 19, days after the state enacted tough new rent regulations which James noted were enacted to protect tenants from predators such as Toledano.

“Putting profits over people is unacceptable, and my office will hold any landlord accountable who violates the law to increase their bottom line,” said James.

“Under no circumstance should tenants be subjected to the harassment perpetrated by landlords like Raphael Toledano.”

Two companies also affiliated with Toledano, Adele Realty and Regal Property Group were also named in the settlement.

<https://rew-online.com/2019/06/toledano-vows-to-rebuild-after-settling-tenant-harassment-charges/>

Buffalo Law Journal: Legislative Session Made ‘historic progress’, Cuomo Says

By Patrick Connelly

June 26, 2019 – 12:57 PM

<https://www.bizjournals.com/buffalo/news/2019/06/26/legislative-session-made-historic-progress-cuomo.html>

JD Supra: Cognitive Claims Draw FTC’s Focus

June 26, 2019

The promise of improved cognitive capability or memory appeals to almost everyone. So it’s no surprise that the market for such enhancements is broad, ranging from “brain training” apps for your phone to dietary supplements promising memory boosts.

Manufacturers of these products should be aware, however, that “cognitive performance” claims of this sort have attracted the

attention of the Federal Trade Commission (“FTC”) and various state Attorneys General in recent years. For example, in 2016, the FTC filed a complaint in the Northern District of California against Lumos Labs, makers of the popular personalized “brain-training-program” Luminosity – a series of games and puzzles played online or through a phone app. *See FTC v. Lumos Labs, Inc.*, No. 16-cv-00001 (Dkt. 1) (N.D. Cal. Jan. 4, 2016). The FTC alleged that the company (and its co-founders) had violated the FTC Act by making unfounded claims that the program could help its users improve performance on everyday tasks; delay age-related mental decline; and reduce cognitive impairment associated with certain health conditions, such as stroke and PTSD.

The case settled quickly. The stipulated court order, *inter alia*, required the company to possess competent and reliable scientific evidence to substantiate its cognitive-related claims, consisting of “human clinical testing” of the product “that is sufficient in quality and quantity, based on standards generally accepted by experts in the relevant field, when considered in light of the entire body of relevant and reliable scientific evidence, to substantiate that the representation is true.” Order at 6. Under the settlement, Lumos Labs also had to pay \$2 million in redress and notify certain subscribers of the action, providing them with a way to cancel their Luminosity subscriptions. *Id.* at 9-12.

On the supplements side, the FTC has sought relief against a number of companies making promises of increased cognitive capabilities by way of pills.<sup>[1]</sup> One case that reemerged recently: *FTC v. Quincy Bioscience Holding Co.*, 272 F. Supp. 3d 547 (S.D.N.Y. 2017). Back in 2017, the FTC and the New York Attorney General sought relief against the developers of a dietary supplement known as Prevagen. The makers of Prevagen make advertising claims (1) that Prevagen improves memory and provides other cognitive benefits; (2) that the effects are clinically proven; and (3) that Prevagen’s active ingredient “supplements” brain proteins that are otherwise lost with age. Though the complaint was originally dismissed by the trial court, in a summary order, the Second Circuit Court of Appeals recently vacated that judgment and remanded the case to the district court. *See FTC v. Quincy Bioscience Holding Co.*, 753 F. App’x 87, 87 (2d Cir. 2019). The Appeals Court found that the FTC plausibly claimed that defendants’ representations about Prevagen were contradicted by the results of its clinical trial and, moreover, that claims about Prevagen’s active ingredient (apoeaquorin) “enter[ing] the human brain” to supplement proteins lost with age were false. *Id.* at 89-90. What will happen at the trial court level remains to be seen.<sup>[2]</sup>

***A few lessons that manufacturers should themselves not forget about advertising the memory- and cognitive-benefits of products:***

#### ***Reliable Scientific Evidence, On-Hand***

Many of the FTC’s complaints center upon whether companies developing and advertising these products—phone apps, supplements, or otherwise—possess the clinical data to back up the cognitive claims they promote. This dovetails with an earlier post on the Misbranded blog, discussing the distinction between, on the one hand, regulators “who have the power to demand affirmative substantiation from advertisers when consistent with the public interest,” and, on the other, private parties who have to plead and prove the falsity of the defendant’s statements.

Given the FTC’s authority and recent interest in claims about memory aids, companies are wise to have clinical data in place, and readily accessible, to support all advertising claims that a given product “is proven” to result in certain outcomes. *See FTC v. Global Comm. Innovations LLC*, 19-cv-0078 (Dkt. 1) (N.D. Oh. April 10, 2019) (recent FTC Complaint: “[C]linical tests do not prove that the Geniux Products: increase concentration, including by 32% or 312%; boost brain power, including by up to 89.2%; or enhance memory recall.”).<sup>[3]</sup>

#### ***Ingredients Matter***

In both the memory-based products world and beyond, courts have suggested that merely highlighting the presence of an ingredient—when such ingredients are “perceived” to have particular health benefits—can sometimes be seen as advertising those associated benefits. Setting aside the soundness of this legal theory, in addition to assuring the underlying data substantiates the proffered cognitive performance claims, companies should be mindful of/aware about the potential pitfalls of highlighting the presence of ingredients that they know to be associated in consumers’ minds with cognitive and health benefits.

<sup>[1]</sup> Dietary supplements are regulated by the FDA under a different set of regulations than those covering most food and drug products. *See FDA, Dietary Supplements*, <https://www.fda.gov/food/dietary-supplements> (last visited June 25, 2019).

<sup>[2]</sup> The appellate court noted that the defendant-appellees had “raised several grounds for affirmance that the district court did not consider,” with the appellate court expressing “no opinion on [those] arguments.” *Id.* at 89.

<sup>[3]</sup> *See also Geniux Dietary Supplement Sellers Barred from Unsupported Cognitive Improvement Claims*, <https://www.ftc.gov/news-events/press-releases/2019/04/geniux-dietary-supplement-sellers-barred-unsupported-cognitive> (discussing settlement) (last visited June 25, 2019).

<https://www.jdsupra.com/legalnews/cognitive-claims-draw-ftc-s-focus-44698/>

June 26, 2019 – 3:08 PM

While this year was a major success in making for-hire limos and large capacity vehicles safer, drastically inadequate insurance limits for regular cars continue to put every driver, passenger, pedestrian and bicyclist on the road at risk.

*New York Attorney General Letitia James (right) swears in Michele S. Mirman as president of the New York State Trial Lawyers Association on June 20. (Courtesy photo: NYSTLA)*

Michele S. Mirman, a partner at Mirman Markovits & Landau, became the president of the New York State Trial Lawyers Association this month. Her practice focuses on personal injury and wrongful death cases including medical malpractice, assault and injuries from defective machinery and equipment.

On the occasion of her swearing-in, she answered these questions from the New York Law Journal.

**Given your background in personal injury law, are there reforms or changes at the state level related to this practice area that the NYSTLA should address?**

New York's antiquated wrongful death statute must be modernized to ensure broader access to justice and greater accountability for negligent parties, regardless of economic status. The current statute, which has not been updated since its enactment in 1847, limits potential damages to the deceased's earning power, with no regard for the family's pain and suffering.

In many cases, this restriction denies justice to the surviving family members despite the tragic loss of life that has occurred. Under the existing law, the lives of New York's children, retirees, disabled individuals and stay-at-home parents are classified as worthless, and bad actors can escape scrutiny. In response to the legal inequities created by the law's shortcomings, organizations like Make the Road, New York Immigration Coalition and New York Communities for Change have advocated for reforms to expand access to civil justice. The time to update New York's wrongful death statute is long overdue.

It is also critically important that we address the continued barriers to justice for victims of auto incidents. While this year was a major success in making for-hire limos and large capacity vehicles safer, drastically inadequate insurance limits for regular cars continue to put every driver, passenger, pedestrian and bicyclist on the road at risk. As a result of New York requiring only \$25,000 in minimum auto insurance coverage, countless New Yorkers who have done nothing wrong are forced to contend with exorbitant medical costs, on top of permanent, disabling injuries, too often leading to financial ruin. The minimum insurance requirements in New York are often insufficient to provide redress for an accident victim, and this is the reason that SUM insurance is critically important.

**What do you see as the biggest opportunities on the horizon for the trial lawyers' bar?**

In the last year, the federal court system has consistently ruled against the interests of our nation's patients, consumers and workers. Efforts to fight back and level the playing field have brought greater attention to longstanding inequities in New York law that prevent victims from accessing the courthouse. There is an appetite for reform and action that will continue to produce meaningful improvements to New York's civil justice system.

There is also a continued opportunity to provide attorneys with the educational tools and support they need to be effective advocates. The state now requires that attorneys earn at least one CLE credit each year in diversity and implicit bias training, and NYSTLA is proud to actively offer these courses to the legal community. Broadly speaking, our CLE courses provide unmatched expertise and instruction from current and former judges, recognized litigation experts and leading trial attorneys. The Law Journal's readers have consistently ranked NYSTLA as the state's best CLE provider, and we hope to continue that success over the next year.

**How about the plaintiffs' bar, specifically?**

In recent years, we've secured crucial victories on behalf of consumers, patients and workers. NYSTLA helped support the enactment of Lavern's Law, which protected the legal rights of cancer patients harmed by medical malpractice. We also successfully advocated for expanded access to auto insurance to protect consumers from uninsured and underinsured drivers, as well as the Child Victims Act, which restored avenues to justice for countless individuals who endured sexual abuse in their childhoods. NYSTLA also helped establish the strongest framework for Uber and Lyft regulations in the country, which serve as a model for effective and responsible consumer safeguards that the rest of the nation can follow. Most recently, we supported efforts to improve safety and modernize insurance requirements for limos and for-hire vehicles after the devastating crash in Schoharie County in 2018. We also stood behind enacted legislation that allows evidence from satellite-mapping services, such as Google Maps, to be admitted into evidence at trial without requiring burdensome expert witness testimony.

These are all major wins that have promoted greater access to civil justice for everyday people and produced a more equitable legal environment. But there is much more work to be done. Wrongful death reform has gained momentum as more New Yorkers and elected leaders have become aware of the statute's unreasonably cruel limitations. This past session, 34 senators and 55 assembly members co-sponsored legislation to reform wrongful death, and we will continue our efforts on the front lines of this issue.

**What is your view on the climate of worker safety in New York? What more needs to be done to protect workers on the job, including construction workers, in light of several recent deaths?**

We need stronger legal protections and enforcement to improve worker safety, particularly when it comes to construction workers. The string of tragic deaths that took place earlier this year highlights the ongoing construction safety crisis and need for legislative action.

Lawmakers can encourage more rigorous adherence to safety standards by passing Carlos' Law, which has previously passed in the state Assembly, to increase the maximum fines that can be imposed for violations. Expanded criminal prosecutions for the most egregious cases of negligence would also promote greater safety on worksites.

Additionally, the implementation of training, certification and insurance requirements statewide can further promote worksite safety. Greater funding and staffing for site inspections is also necessary to ensure that instances of negligence are discovered before a tragedy takes place.

The construction industry has done everything in its power to curtail existing labor protections and derail additional safety measures, leading to countless injuries and deaths. Lawmakers must listen to our colleagues in the labor movement, such as the Building and Construction Trades Council and AFL-CIO, and take action to preserve and expand safety protections in order to save lives and keep our workers safe.

<https://www.law.com/newyorklawjournal/2019/06/26/new-president-of-ny-trial-lawyers-association-calls-wrongful-death-statute-antiquated/>

## National

### New York Times: Senate Approves \$4.6 Billion for Border with Fewer Restrictions

By Emily Cochrane

June 26, 2019

WASHINGTON — The Senate on Wednesday approved \$4.6 billion in emergency humanitarian aid for the southwestern border, rejecting [House legislation](#) approved Tuesday that sought to rein in President Trump's immigration crackdown by setting significant rules on how the money could be spent at squalid detention facilities.

Speaker Nancy Pelosi of California rejected the Senate's bill even before the vote was taken, setting up a clash over immigration policy just days before Congress leaves Washington for a weeklong July 4 recess. Ms. Pelosi called President Trump to discuss how to reconcile the dueling measures in a 15-minute phone call early Wednesday afternoon.

"They pass their bill, we respect that," she said. "We passed our bill, we hope they would respect that. And there are some improvements that we think can be reconciled."

The margin of the Senate vote, 84-8, underscored Senate Republican contentions that only their bill stands a chance of obtaining the president's signature.

"The House has not made much progress toward actually making a law, just more resistance theater," Senator Mitch McConnell of Kentucky, the majority leader, said on the Senate floor Wednesday morning. "The Senate has a better and more bipartisan way forward."

"It's a productive compromise that would go a long way to begin to address the border crisis," Mr. McConnell added. "no poison pills, just a clean bill."

Mr. Trump on Wednesday morning voiced his displeasure with the House bill, saying on Fox Business Network that he was "not happy with it because there is no money for protection."

To make their point, Republican Senate leaders put the House's \$4.5 billion bill to a test vote; it failed, 37-55, with three Democrats voting against the measure. Seven Democrats, all presidential candidates, were not present ahead of the first Democratic debate in Miami Wednesday night.



But Senator Chuck Schumer of New York, the Senate Democratic leader, suggested a few changes to the Senate bill could win support among House Democratic leaders in time for quick final passage.

The Senate legislation would allocate about \$1.3 billion to improve facilities at the border and \$2.9 billion for the care of migrant children. The measure prohibits the Department of Homeland Security from adding more beds at detention centers or migrant processing facilities, ostensibly to slow the immigration crackdown. The Senate would require the department to allow congressional visits to facilities housing unaccompanied children with two days' notice.

But House Democrats say that the bill does too little to ensure that conditions improve at detention facilities or at centers caring for children that are run by government contractors. The House bill would allow for congressional visits to facilities without any advance notice. It includes language that would require Customs and Border Protection to establish plans and protocols to deliver medical care, improve nutrition and hygiene, and train personnel to ensure the health and safety of children and adults in custody.

Another provision would ask the secretary of health and human services to specify which requirements are being temporarily waived to deal with a sudden influx of migrants. That amendment would limit the detention-center stay of any unaccompanied child to 90 days unless written notification is submitted to Congress attesting that no other facilities are available.

Democrats also attached requirements for translators at Customs and Border Protection, Immigration and Customs Enforcement, and United States Citizenship and Immigration Services.

Administration officials have warned Congress that they will run out of funds to house and care for migrants at the end of the month. Accounts of horrific conditions facing unaccompanied migrant children, as well as a wrenching photo of a drowned father and daughter [trying to seek asylum](#), have inflamed the urgency surrounding passage of the emergency aid but also the resolve of Democrats pushing for tougher oversight on the administration and its facilities.

"While I pray that the funding Congress has approved makes it to its intended purpose, the best predictor of the future is the past," Representative Ayanna S. Pressley, Democrat of Massachusetts and one of four Democrats to vote against the House measure, [wrote in a Medium post explaining her vote](#). The administration's immigration enforcement agencies, she wrote, "have a track record of promoting a deep culture of corruption and abuse."

Republican senators remain adamant that the emergency aid, widely seen as a temporary response to a more complex immigration crisis, needs to be stripped of immigration policymaking.

"Our goal is to get a good bill, keep it clean as we can and try to have the president on board," said Senator Richard C. Shelby of Alabama, the top Republican on the Senate Appropriations Committee. "If it's loaded up with a bunch of House amendments, he will not sign it."

Even as they promoted their bill, Ms. Pelosi and Representative Steny H. Hoyer of Maryland, the majority leader, acknowledged publicly and privately that the Senate bill was not necessarily an untenable vote in their chamber.

"The Senate has a good bill," Ms. Pelosi told her caucus during a closed-door meeting on Wednesday, according to a senior Democratic aide unauthorized to discuss the private meeting. "Our bill is much better."

Senator Chuck Schumer of New York, the Senate minority leader, noted in floor remarks that while the House version "is a much better bill than the Senate version," the broad bipartisan support in a Senate committee vote last week indicates that "there is room for compromise to get something done here."

The House measure includes additional oversight provisions that outline a time frame for the release of children from the facilities, as well as health and safety standards and requirements for children and adults held by the government.

<https://www.nytimes.com/2019/06/26/us/politics/child-migrants-senate.html?action=click&module=Top%20Stories&pgtype=Homepage>

## State

Times Union: Are NY's Mental Health Housing Programs at Risk?

By Bethany Bump

June 26, 2019 – 8:21 PM

ALBANY — New York lawmakers unanimously passed a bill last week that would force a commission to investigate what advocates say are "ongoing, debilitating" funding shortfalls across the state's mental health housing programs.

The bill, sponsored by Democrats Sen. David Carlucci and Assemblywoman Aileen Gunther, would establish a temporary commission to assess the issue, and make funding recommendations that could be considered in the context of next year's state

budget.

"This bill is about correcting a wrong that has persisted for years, in spite of ongoing warnings from advocates that we are fomenting a crisis by failing to act," said Carlucci, chair of the Senate's mental health and developmental disabilities committee.

New York's Office of Mental Health contracts with local governments and nonprofits to provide approximately 40,000 units of supportive housing statewide to adults with severe psychiatric disabilities. In addition to stable housing, the programs also provide assistance with health care, medication management, mental health services, employment support and addiction treatment.

Advocates say that nearly 20 years of inadequate funding has put these programs — which were designed to keep individuals out of far more expensive institutions, hospitals, jails and shelters — in jeopardy of collapse.

Rents and administrative costs have risen significantly, they say, while program funding for salaries, overhead, rental stipends and other services has not. They calculate that, depending on program type, anywhere from 40 to 70 percent of funding has been lost to inflation in the last two decades.

"We just don't have enough staff to do everything we're required to do under OMH requirements," said Antonia Lasicki, executive director of the Association for Community Living, a membership organization of nonprofit agencies that provide supportive housing services.

As a result, she said, a single staff member may wind up caring for a caseload of well over 20 residents at a time. For residents with severe psychiatric disabilities, she said, staff duties may entail managing "every single pill" a resident takes, providing meals, cleaning up, teaching life skills and developing rehabilitation plans.

The legislation calls for nine members to be appointed to a commission, which would make recommendations regarding adequate funding levels, adequate direct care staff, the need for more professional employees on staff, and the ability of current programs to meet resident needs.

It was introduced in the weeks after a deal was reached on the 2019-2020 state budget, which allocated an additional \$10 million for the system.

"That didn't even cover the fair market increases to rent," Lasicki said. "We were already woefully behind and we just get further behind every year."

Somewhere in the arena of \$170 million is what's actually needed to bring the programs up to snuff, she said — a figure that is close to the \$160 million free tuition program Gov. Andrew Cuomo once called a "rounding error" in the state education budget.

"This isn't as sexy, but it would do a world of good," she said.

Lasicki is a member of Bring It Home, a coalition that formed in 2017 to advocate on the issue and that includes providers, mental health advocates, patients and families.

The coalition is urging Cuomo to sign the bill immediately so that the commission can compile a report in time to guide the 2020-21 budget process.

<https://www.timesunion.com/news/article/Are-New-York-s-mental-health-housing-programs-at-14052621.php>

## Local

New York Times: 2,500 Reports of Police Bias. Not One Was Deemed Valid by the NYPD.

By Ali Watkins

June 26, 2019

A city watchdog found that complaints were not taken seriously, and recommended expanding the definition of bias to include racial, ethnic and L.G.B.T.Q. slurs.

About 2,500 people have lodged formal complaints in the last four and a half years with the New York Police Department, reporting that officers acted with bias toward them.

Not a single allegation has been substantiated by the Police Department.

In a report issued on Wednesday, a city watchdog agency found the investigations of these complaints against the police lacking, and recommended changes to how the department classifies and handles bias allegations.



Often, allegations were listed as unsubstantiated or unfounded, and closed, according to the report by the city's Department of Investigation.

In some cases officers misclassified complaints or failed to interview people involved. The report also concluded that police officials did not take bias allegations as seriously as they do other kinds of police misconduct.

"Establishing effective and fair processes for the investigation of biased policing allegations is a fundamental component of the Police Department's relationship with the public, helping to build trust and confidence," Margaret Garnett, the D.O.I. commissioner, said in a statement.

In 2014, the Police Department created a way for residents to report incidents of bias by officers as a separate class of complaints and started investigating them.

At the time, senior commanders were wrestling with the fallout over the department's "stop-and-frisk" policy, under which thousands of mostly black and Hispanic men were searched on what a federal judge determined were questionable constitutional grounds.

The intent was to give city residents a direct way to make complaints to the police about sensitive issues like racial profiling or the role of prejudice in arrest decisions. In the five years since the program was unveiled, 2,495 complaints have poured in for the department to investigate.

But in the report, Philip K. Eure, the city's inspector general for the Police Department, recommended an overhaul of how the police investigate bias complaints, including better training for officers and more transparency about the allegations. The department currently offers no public accounting of bias incidents or complaints.

The police should also redefine what is considered a bias incident, the report said. Under current department policy, the report said, use of racial, ethnic or L.G.B.T.Q.-based slurs is not considered evidence of bias.

Mr. Eure also recommended the department require officers to report incidents of bias if they see their colleagues act in prejudiced ways.

Allegations of police bias are investigated by the department's Internal Affairs Bureau, and complaints received by the department's Civilian Complaint Review Board are referred to that office.

The inspector general reviewed 888 bias incidents investigated by the Internal Affairs Bureau and found that 68 percent accused the police of racial bias.

In several incidents, the report said, investigating officers failed to pursue the case properly or filed it incorrectly, which hindered the case from being handled appropriately.

Often, the report said, officers cited guilty pleas or convictions as evidence that the bias claims were unfounded and simply closed the case.

In one complaint, a woman reported that her husband, who is black, was targeted by officers because of his race. The officers boxed in her husband's car and said his disability placard seemed invalid because he "looked fine," the report said. The woman said officers then cited her husband for littering after they spotted a discarded cigarette on the sidewalk.

Another woman reported that her son was arrested and taken to the police station, where an officer was heard saying, "You know what I do with Gypsies? I put all Gypsies in jail."

Proving that such claims stem from bias is difficult, the inspector general acknowledged, because investigators must demonstrate the officer's motive was linked to prejudice.

Still, the report concluded there is significant room for improvement in the department's methods.

Most critically, the report found, the department does not consider slurs or offensive language to be evidence of "biased policing." Such incidents are only investigated if the slur is accompanied by another action, like an arrest, use of force or refusing to take a complaint.

The report also recommended that the police grant the civilian complaint board the authority to investigate bias complaints that it receives, instead of sending the cases to internal affairs investigators.

The department acknowledged in a statement that it could improve, but pointed out that the [number of bias incidents](#) being reported by civilians had decreased by a third in the first five months of the year, compared to the same period last year. It also noted that the inspector general had not identified any cases where a complaint should have been substantiated.

"Even with the positive changes already made, and the full context of this report, the N.Y.P.D. knows there is more to do," the

Police Department said in a statement.

<https://www.nytimes.com/2019/06/26/nyregion/nypd-bias.html>

## New York Post: Asian Parents Call for Schools Chancellor Richard Carranza's Firing

By Selim Algar

June 26, 2019 – 8:33 PM

Branding him a “dangerous” [anti-Asian racist](#), a group of some 80 protesters gathered Wednesday outside the Department of Education headquarters in Manhattan to call for Schools Chancellor Richard Carranza's ouster.

Chanting, marching and waving signs, the mostly Asian-American parents accused Carranza of pushing diversification plans that would reduce the number of their kids at top city schools.

“These parents are very very angry,” said organizer Linda Lam. “They are here today to fight for the rights of our kids, for them not to be discriminated against because of their ethnicity or their race.”

“Along with Mayor de Blasio, Carranza [wants to remake admissions](#) to the city's eight specialized high schools.

The DOE has acknowledged that the plan would cull Asian enrollment — currently about 60 percent — by half.

“We have heard very little from him about educating our children,” the group said in a statement Wednesday. “What we have heard from him is plenty about his obsession with so-called ‘equity’ and ad nauseum proselytizing on race. Instead of attempting to devise strategies to improve education, he has instead taken every opportunity to push racial division.

“He has pushed policies and rhetoric which are harmful and demeaning to Asians,” the statement said.

Proponents of City Hall's plan argue that the current single-test admission system is an arbitrarily narrow measure of talent that has artificially suppressed black and Latino enrollment.

The test, they contend, favors kids with the time and resources for thorough preparation. Carranza has flatly called the 1971 law that enacted the single-test system “racist.”

City Hall's plan would instead use multiple measures of assessment and guarantee spots for top finishers at all middle schools.

Carranza, who was touring schools Wednesday on the last day of classes, has not backed down from his platform in recent weeks and has redoubled his promise to pursue “equity” as long as he remains chancellor.

Carranza has argued that black and Latino kids are unfairly barricaded from quality educations by forces beyond their control – and that it's his mission to remove those cordons.

He [has responded](#) to the allegations by saying he was targeted for criticism because he is a “man of color.” De Blasio has defended his chancellor, who started the job in April 2018.

Lam rejects the notion that there is anti-Hispanic bias at play. “That has nothing to do with it. We have had Hispanic and black chancellors before and we had no problem with them. That's because they were focused on education, not just race.

“There are parents all over this city who are concerned that the schools under this chancellor are so focused on race instead of just giving kids a good education. They are worried if they can stay in this city and know that their kids won't be discriminated against.”

Backers of the current specialized high school admissions structure say the exam rewards raw diligence and has created schools that are considered among the nation's best.

They also note that many Asians kids who earn spots at the specialized schools have poor-immigrant origins.

Despite 11th-hour Albany lobbying by Carranza last week, City Hall's proposal [failed to gain traction](#) among state lawmakers this session.

Several of the protesters said Carranza and de Blasio had mistakenly calculated that Asian American — long considered politically quiescent — would remain so.

By creating an atmosphere where “ethnicity is everything,” the group argued, Carranza has attempted to “cover up his failing schools.”

Another parent complained that top DOE administrators and executives send their own kids to academically screened and sorted schools while denouncing those systems in public.

“New York is a multicultural city,’ the group said. “We need a unifying educator, not a divisive, race-obsessed chancellor.”  
<https://nypost.com/2019/06/26/asian-parents-call-for-schools-chancellor-richard-carranzas-firing/>

## New York Daily News: Airport Workers Employed by Eulen American Plan Strike at JFK, Three Other Airports Over Company’s Labor Practices

By John Annese

June 27, 2019

Airport workers for a private contractor plan to walk off their jobs at JFK and three other busy airports Thursday in a four-city action over what they say are unfair company labor practices, coordinating the strike with day two of the debate among Democratic 2020 presidential hopefuls in Miami.

The workers include baggage handlers, cabin cleaners and wheelchair attendants employed by Eulen America, a private contractor used by American Airlines and Delta, the Service Employees International Union Local 32BJ said.

Workers plan to strike at JFK, Miami International, Fort Lauderdale and Reagan National Airport at 10 a.m. Thursday, according to the union. They plan to hold a rally at noon at JFK Airport Terminal 8 Arrivals in Queens, joined by state Sen. Kevin Thomas, and to walk a picket line at 4:30 p.m. alongside City Council member Donovan Richards.

The union said in a statement that the workers want to call attention to what they say are poor working conditions and unfair practices by the Spanish-owned contractor, including what it characterized as wage theft violations and a March demand by the company for its workers at JFK to use all the paid sick time they accrued in 2018, or lose it.

Other issues include providing legally required laundry allowances, health and safety problems and allegations of retaliation, the union said, adding that the company’s workforce is almost exclusively immigrant.

In May, Eulen America workers staged a protest in New York City on the steps of City Hall over the company’s paid sick-leave policy.

Rep. Donna Shalala and Rep. Frederica Wilson of Florida held a round table discussion in April with Eulen workers after a CBS Miami report about their conditions at Miami International Airport. The CBS report showed vehicles and cabin cleaning trucks with busted seat belts, faulty brakes, no mirrors, roach infestations and doors that didn’t close.

Employee pay started at \$9.48 an hour, with hours often limited to 30 or less a week, CBS reported. One worker complained of being forced to go five and a half hours on the hot tarmac without a break, and without easy access to water. One cabin cleaner complained of having to wipe up blood and vomit on passengers’ blankets.

Eulen denied the allegations in the CBS report, and claimed they were made by a few disgruntled workers buoyed by a union.  
<https://www.nydailynews.com/new-york/ny-airport-workers-eulen-america-strike-planned-jfk-other-airports-20190627-jwxume5sqreptv65qa7gdarzy-story.html>

## New York Times: How Subway Delays and the Homeless Crisis are Intertwined

By Winnie Hu

June 26, 2019

After years of decline, New York’s subway is showing signs of improvement, with the percentage of trains running on time creeping upward.

But at least one area is getting worse: disruptions involving homeless people.

Trains were delayed 659 times last year by homeless people walking on tracks, blocking train doors and engaging in other unruly behavior — a 54 percent increase from the 428 such delays in 2014, according to the Metropolitan Transportation Authority, which runs the subway.

And the disruptions have continued to escalate this year, with 313 train delays in the first three months.

“It’s a real challenge, and a growing challenge, and that’s consistent with the broader challenge in the city,” said Andy Byford, the official who oversees the subway. “We’re just not equipped to deal with this on our own.”

Though the subway has long been a refuge for those with nowhere to go, transit officials and riders said they were seeing more homeless people on the subway as the city struggled to address an intractable homeless crisis.

New York has opened 23 new homeless shelters since 2017 and has 20 more in development. It has poured more than \$80 million since 2014 into new centers, outreach programs and specialized services specifically aimed at homeless people on the street, including the creation of a database that helps outreach workers identify and track individuals by name.

It has also taken more punitive steps. Police officers have handed out a flurry of civil summonses to try to clamp down on disruptive behavior on the subway. Currently, between 1,600 to 1,800 summonses per week are issued for prohibited transit conduct — including jumping turnstiles, stretching out in subway cars and on platforms, smoking and drinking alcohol — which is about 16 percent more than in 2016, according to police officials.

But it has not been enough. Earlier this year, Mayor Bill de Blasio [vowed to crack down](#) on homeless people camped out in the subways. About 58,000 people live in city shelters and an additional 3,800 are on the streets and in the subway.

Now, city and transit officials are ratcheting up their efforts with a new program aimed at persuading homeless people to leave the subway by offering to waive a civil summons if they agree to go with outreach workers who can offer a variety of services, such as a bed in a shelter or medical treatment.

Summonses carry a fine varying [from \\$25 to \\$100](#), including \$100 for fare evasion, \$75 for moving between subway cars and \$50 for obstructing seats.

“This is a way to help people who are getting caught up in our system and give them another option,” said Edward Delatorre, the transit chief for the Police Department.

Targeting homeless people on the subway with summonses has been criticized by advocates for the homeless and others as a wrongheaded approach that punishes people for having no home, adds to their burden by imposing fines they cannot afford to pay and entangles them in a legal system they are ill equipped to navigate.

But advocates also questioned the city’s new approach, saying it was merely repackaging aid that is already available to homeless people.

Giselle Routhier, policy director for the Coalition for the Homeless, an advocacy group, called the effort “window dressing.”

“It adds a level of bureaucracy without adding the resources that are needed to actually help people get off the streets,” she said, adding the city should be building far more permanent, affordable housing, and moving faster to create housing and support services for those with mental illnesses.

Homeless people have reasons for avoiding shelters or not accepting services, she said, including “the shortage of safe, welcoming shelter beds.”

“Reducing the tragedy of people taking makeshift refuge in transit facilities and on the trains,” Ms. Routhier added, “means giving them somewhere better to go — not using the police to chase them in circles.”

Danny Pearlstein, a spokesman for the Riders Alliance, a transit advocacy group, said the program was an improvement over just issuing tickets and imposing fines.

“Not ticketing people for living on the subway is certainly a step in the right direction,” he said. “Our leaders need to provide the homeless with better options.”

A spokeswoman for the mayor said that the new subway program was just one of many efforts underway to help the homeless, and that the city is expanding affordable housing for the homeless, including converting temporary apartments into permanent homes.

“Helping homeless New Yorkers access the services they need often takes prolonged engagement and many attempts by outreach workers,” said the spokeswoman, Jane Meyer. “This pilot will turn previously punitive interactions with the criminal justice system into productive ones aimed at actually helping people address underlying challenges.”

The Subway Diversion Project was developed in partnership with the Bowery Residents’ Committee, a nonprofit that has long been contracted by the city to provide housing, shelters and outreach to the homeless. The city will provide the financing to hire additional outreach workers, said Muzzy Rosenblatt, the group’s chief executive.

Under the program, police officers will verify that a person is homeless, and then notify outreach workers to escort the person out of the subway to be evaluated.

Mr. Rosenblatt said that as long as people went with the outreach workers for an initial assessment, their summonses would be waived. They will not be required to accept follow-up services. “We expect that many of the individuals who engage with us for

that assessment will continue forward voluntarily to participate in those services,” he said.

Mr. Byford, the transit chief, said the new program aimed to help vulnerable people while also balancing their needs against the needs of millions of subway riders.

Transit workers will ask homeless people to sit up, move or leave if they are being disruptive or endangering public safety. But, he added, those asked to leave invariably “come right back because the alternative is not attractive to them.”

Transit officials are also trying other measures. They recently opened waiting rooms in subway stations at Chambers Street in Lower Manhattan and Jamaica Center in Queens to try to move the homeless out of subway cars while also giving them a comfortable place to sit, drink a cup of coffee or escape the heat.

“I want to stick up for my customers,” Mr. Byford said. “They have paid good money to have a safe, clean, traveling environment.”  
<https://www.nytimes.com/2019/06/26/nyregion/mta-subway-homeless.html>

## **Attorney General**

### **2020 Census**

ABC7: U.S. Census Citizenship Question Rally. Set for Foley Square

### **NRA**

New York Times: NRA Shuts Down Production of NRATV, and Its No. 2 Official Resigns

NRA: Turmoil at the NRA: TV Channel Ends, Lobbyist Resigns, A New Hill Probe Begins

Variety: NRA Scuttles Original Production for Streaming-Video Site

CNN: NRA to shut down production of NRATV

Washington Post: NRA's Top Lobbyist Resigns Amid Chaos at the Gun Rights Organization

USA Today: NRA pulls the plug on NRATV live programming amid dispute with ad agency, lobbyist resignation

NPR: NRA Online TV Network Will Shut Down Amid Allegations of Financial Misconduct [Audio]

WAMU: Turmoil at the NRA: TV Channel Ends, Lobbyist Resigns, A New Hill Probe Begins

Pajiba: Twitter is Celebrating the End of NRATV and the Firing of Dana Loesch

The Root: Twitter Offers 'Thoughts and Prayers' After NRATV Meets Its Untimely Demise

Think Progress: NRA Announces End of New Production at NRATV

WRAL: No. 2 at NRA resigns after being placed on leave

### **Joint Employer Rule**

Espacio de Prensa: Attorney General James Opposes Trump Administration Rule that Endangers the Rights of Millions of Workers

### **ICE Raids**

27 East: Families 'Completely Shaken Up' After ICE Raid Announcement

### **Greenlight Law**

WSKG: New Law Allowing Licenses for Undocumented Drivers Confuses Some County Clerks, Angers Others

### **Harvey Weinstein**

Metro: Harvey Weinstein tells reporters 'I'm not a saint, but I'm not a sinner' in leaked phone call

Female First: Harvey Weinstein reporter call audio leaked

### **Other**

Bloomberg: Democrats just got an 'ominous' sign in the fight to save Obamacare

ACLU: Equity Must Be At the Heart of Marijuana Legalization

Lexology: NYDFS and Japanese Bank Settle for \$33 million over BSA/AML Allegations

Data Protection Report: Nine States Pass New and Expanded Breach Notification Laws

Security Info Watch: New York Legislature Strengthens Data Breach Policies with SHIELD Act

The Sport Mail: Global Endpoint Security Market 2019 by Manufacturers, Regions, Type and Application, Forecast to 2023

Law360: States 'Stepped Into the Breach' As Crypto Market Exploded

Climate Liability News: Exxon Continues to Fund 'Science' Group Steeped in Climate Denial and Delay

Newsday: Shinnecock sovereignty challenged at site of electronic billboard

Real Estate Weekly: Toledano vows to rebuild after settling tenant harassment charges

Buffalo Law Journal: Legislative Session Made 'historic progress', Cuomo Says

JD Supra: Cognitive Claims Draw FTC's Focus

New York Law Journal: New President of NY Trial Lawyers Association Calls Wrongful Death Statute Antiquated

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New York Daily News: Airport Workers Employed by Eulen American Plan Strike at JFK, Three Other Airports Over Company's Labor Practices

New York Times: How Subway Delays and the Homeless Crisis are Intertwined

## **Attorney General**

### **2020 Census**

ABC7: U.S. Census Citizenship Question Rally. Set for Foley Square

June 26, 2019

LOWER MANHATTAN, New York City (WABC) -- Thursday marks the final day of the Supreme Court's current term, and rulings could come on several cases, including whether to allow a citizenship question on the U.S. census.

A decision from the court could have a major impact on large states like New York.

A rally focused on that issue is expected Thursday morning in Foley Square in Lower Manhattan.

Critics fear a census question asking whether a person is a citizen could discourage immigrants from responding to the survey.



The Trump Administration says this is about preventing voter fraud. But the government's own experts concede that asking the question would lead to an inaccurate count of the actual number of people living in some big cities, whether they are citizens or not. Here's why that really matters: a lower population count in New York means the state would get fewer federal tax dollars, fewer seats in Congress and fewer Electoral College votes. New York Attorney General Letitia James will be among those in attendance for the Foley Square rally. Demonstrators say they will be ready to respond to whatever the Supreme Court may decide. <https://abc7ny.com/politics/census-citizenship-question-rally-set-for-foley-square/5367468/>

## NRA

New York Times: NRA Shuts Down Production of NRATV, and Its No. 2 Official Resigns  
By Danny Hakim

June 25, 2019

Moving to clean house amid an organizational crisis, the National Rifle Association cut ties with its second-in-command, Christopher W. Cox; severed its relationship with Ackerman McQueen, its estranged advertising firm; and shut down live production at its online media arm, NRATV.

The steps took place within a brief span on Tuesday night and Wednesday morning.

The resignation of Mr. Cox, the gun group's top lobbyist and the architect of its legislative strategy, was communicated to the N.R.A.'s board and employees on Wednesday. The news comes days after a court filing by the N.R.A. implicated him in a failed plot to oust Wayne LaPierre, the organization's chief executive, an allegation Mr. Cox has disputed. Last week, [The New York Times reported](#) that the N.R.A. had suspended Mr. Cox.

Mr. LaPierre, in a message sent Wednesday to employees and board members, said he had accepted Mr. Cox's resignation and wanted "to thank Chris for his service to the N.R.A. and for his efforts to advocate for the Second Amendment." He noted that Mr. Cox had been "placed on administrative leave" pending an investigation into the claims against him, and said, "Naturally, that pursuit will continue in the interest of the N.R.A. and our members."

The development is the latest in an already tumultuous year for the N.R.A. The gun group has struggled to [right its finances](#); faced investigations in Congress and by the New York attorney general; and witnessed a leadership struggle that pitted Oliver North, until recently the N.R.A.'s president, against Mr. LaPierre.

Mr. Cox could not be immediately reached for comment. In a statement last week, he said that "the allegations against me are offensive and patently false. For over 24 years I have been a loyal and effective leader in this organization. My efforts have always been focused on serving the members of the National Rifle Association, and I will continue to focus all of my energy on carrying out our core mission of defending the Second Amendment."

The series of moves leaves the N.R.A., a crucial ally of President Trump, in flux, particularly in the leadership of its legislative agenda. [On Twitter in April](#), Mr. Trump urged the N.R.A. to "stop the internal

fighting, & get back to GREATNESS — FAST!” Mr. LaPierre told the board and employees he would soon name an interim leader for the organization’s lobbying arm.

By ending production at NRATV, the N.R.A. is also ceasing its relationship with a number of high-profile representatives of the organization, since its on-air personalities — Ackerman employees including Dana Loesch — will no longer be the public faces of the N.R.A. It remained unclear whether the N.R.A. would try to hire some of those employees, but there was no indication it was negotiating to do so.

The move comes amid a flurry of lawsuits between the N.R.A. and Ackerman, and increasing acrimony that surfaced after two prominent N.R.A. board members first criticized NRATV [in an article in The Times](#) in March. The separation had become inevitable: The two sides [said last month](#) that they were ending their partnership of more than three decades.

“Many members expressed concern about the messaging on NRATV becoming too far removed from our core mission: defending the Second Amendment,” Mr. LaPierre wrote in a message to members on Wednesday. “So, after careful consideration, I am announcing that starting today, we are undergoing a significant change in our communications strategy. We are no longer airing ‘live TV’ programming.”

In a notice to Ackerman’s chief executive, Revan McQueen, sent Tuesday night, the N.R.A. said it “regrets that a longstanding, formerly productive relationship comes to an end in this fashion.”

Ackerman, in its own statement, said it was “not surprised that the N.R.A. is unwilling to honor its agreement to end our contract and our longstanding relationship in an orderly and amicable manner.”

“When given the opportunity to do the right thing, the N.R.A. once again has taken action that we believe is intended to harm our company even at the expense of the N.R.A. itself,” Ackerman added. It said it would “continue to fight against the N.R.A.’s repeated violations of its agreement with our company with every legal remedy available to us.”

A legal filing last week by Ackerman, which is based in Oklahoma City, underscored the dire risk to its business, which derived 41 percent of its gross revenue from the N.R.A. last year. The company accused the N.R.A. of failing to pay \$1.6 million in invoices and to post a \$3 million letter of credit that it said it was due, moves that Ackerman said would force it to “terminate or put on unpaid leave” roughly 40 percent of its work force within days, and shutter Mercury Group, its Northern Virginia subsidiary.

On Wednesday, a judge in Virginia denied a motion by Ackerman to immediately force the N.R.A. to make those payments.

N.R.A. officials had grown leery of the cost of creating so much live content for NRATV, which was started in 2016, and wondered whether the return on its investment was worth the effort. The site’s web traffic was minuscule, with 49,000 unique visitors in January, according to a report provided by Comscore.

Some N.R.A. board members and officials were also unnerved by the breadth of the channel’s content, which strayed far beyond gun rights and encompassed several right-wing talking points, including criticism of immigration and broadsides against the F.B.I. A show hosted by Ms. Loesch that [put Ku Klux Klan hoods on talking trains](#) from the popular children’s program “Thomas & Friends” drew outrage from some within the organization.

But the dispute between the N.R.A. and Ackerman goes deeper than NRATV. It has its origins in threats last summer by Letitia James, now the New York attorney general, to investigate the N.R.A.'s tax-exempt status. The N.R.A. began an audit of its contractors, and has said that Ackerman, which it paid roughly \$40 million a year, refused to comply. Ackerman has disputed that allegation.

The advertising firm has assailed the role of the N.R.A.'s outside lawyer, William A. Brewer III, over the size of his legal fees, and has seen him as its chief antagonist. The contention has a bitter family twist because Mr. Brewer is the brother-in-law of Mr. McQueen, Ackerman's chief executive.

The schism between the organizations has been shocking. They had a closely intertwined partnership going back to the "I'm the N.R.A." campaign in the 1980s, and Ackerman came to be known as the voice of the N.R.A.

But by Tuesday night, splitting up was seen as inevitable.

"This is just an affirmation of what we've known is going to happen," Joel Friedman, an N.R.A. board member, said in an interview.

<https://www.nytimes.com/2019/06/25/us/nra-nratv-ackerman-mcqueen.html>

## NRA: Turmoil at the NRA: TV Channel Ends, Lobbyist Resigns, A New Hill Probe Begins

By Sasha Ingber and Tim Mak

June 26, 2019 – 8:09 AM

The National Rifle Association has shut down its online TV channel and lost its chief lobbyist, new setbacks for group that also is the subject of another new congressional investigation, NPR has learned.

The NRA has struggled under both scrutiny from the outside for its connections to Russia's interference in American politics and from internal divisions over its leadership and its finances.

The latest developments took place Wednesday when the gun rights group's CEO, Wayne LaPierre, [announced](#) that the NRA's online channel NRATV would stop broadcasting live programming.

He cited costs, return on investment and the direction of the content.

LaPierre also blamed Ackerman McQueen, the Oklahoma-based advertising firm overseeing television production. Despite a decades-long relationship between Ackerman McQueen and the NRA, allegations of financial impropriety have led to a [contentious legal dispute](#).

Both sides have accused the other of improper conduct.

Since NRATV's launch in 2016, some of the programming has gone beyond support of the Second Amendment and into more controversial territory.

Last year, one segment [drew condemnation](#) for featuring Ku Klux Klan hoods on "Thomas the Tank Engine" trains as NRA spokeswoman Dana Loesch complained about a children's television show that had diversified its characters.

At least some of the NRA's leadership thought the TV programming crossed a line.

"There were a lot of us, including the CEO, who were extremely concerned and upset that it seemed to be an off-topic subject," NRA board member Joel Friedman told NPR. "But remember, who is the one who drove the bus on NRATV? It was Ackerman McQueen."

The company responded with its own criticism of the gun rights group.

"Ackerman McQueen is not surprised that the NRA is unwilling to honor its agreement to end our contract and our longstanding relationship in an orderly and amicable manner," it said in a [statement](#). It said the NRA refused to pay millions of dollars and used intimidation tactics.

"When given the opportunity to do the right thing, the NRA once again has taken action that we believe is intended to harm our company even at the expense of the NRA itself," it added.

Loesch did not immediately respond to NPR's request for comment. The NRA declined to comment.

### **NRA's top lobbyist steps down**

Chris Cox, the NRA's top lobbyist in Washington, D.C., resigned after nearly 25 years, multiple sources told NPR. As the head of the NRA's lobbying arm, he was considered one of the most powerful figures in the capital.

Cox has worked at the organization since 1995, and has been the NRA's top lobbyist since 2002.

He had been suspended after being accused of contributing to the effort to oust LaPierre, an allegation he denies. Friedman, the board member, said he was surprised to learn that Cox had quit.

"I've known him 17 years and he's always been a strong advocate for the Second Amendment and Second Amendment rights," said Friedman, who sits on the NRA's board. He was surprised to learn that Cox had quit.

Cox did not respond to a request for comment.

### **NRA finances under scrutiny**

Under LaPierre, the gun rights group is facing allegations of financial misconduct. LaPierre countered that people inside the NRA and Ackerman were trying to oust him.

Rep. Brad Schneider, D-Ill. a member of the House Ways and Means Committee, told NPR that he was launching an investigation into whether wrongdoing has occurred and "whether these activities warrant reconsideration of the NRA's tax-exempt status."

He sent a [letter](#) to LaPierre on Wednesday afternoon demanding financial documents and correspondence related to LaPierre's claim that [former NRA president Oliver North](#) tried to force him to resign, among other items.

At least three congressional committees are investigating the NRA, in addition to a [probe launched by New York Attorney General Letitia James](#).

### **Growing divisions within the gun rights community**

As the NRA undergoes its turmoil, the broader movement it champions is splintering.

Some supporters of the Second Amendment are continuing to advocate for gun rights but going public with their specific opposition to the NRA due to allegations of financial misconduct.

Greg Kinman, who runs a YouTube account about firearms with 4.2 million subscribers, [announced](#) last week that he was no longer taking support from the NRA or promoting the group because of the recent controversies.

"It's kind of gotten to the point where it's the last straw," Kinman said.

And prominent conservative writer Erick Erickson [wrote on his website](#) that the NRA was "adrift by grift" and "rotting from the inside out."

Meanwhile, former NRA staff have joined with NRA members to form a group called Save the Second. Founded in the last week and a half, it was created to be a watchdog for the NRA's finances.

"Save the Second really does exist to help the NRA find a path back to credibility, legitimacy and effectiveness," board member Robert Pincus told NPR. "The established leadership of the NRA has become complacent in regard to our fight for gun rights, and they've become focused on fundraising and cronyism."

<https://www.npr.org/2019/06/26/736255639/turmoil-at-the-nra-tv-channel-ends-lobbyist-resigns-a-new-hill-probe-begins>

Variety: NRA Scuttles Original Production for Streaming-Video Site

June 26, 2019 – 7:22 AM

The NRA will shut down production of new content for its streaming-video NRATV outlet, The New York Times reports.

The report said the gun-rights lobbying organization may continue to run older content on the broadband outlet, but it will no longer feature [Dana Loesch](#) and other regular hosts in live programming. The demise of programming takes place as the powerful advocacy group has grappled with feuding among some of its top executive and has had its finances examined by New York's attorney general.

"Many members expressed concern about the messaging on NRATV becoming too far removed from our core mission: defending the Second Amendment," Wayne LaPierre, the N.R.A.'s longtime chief executive, wrote in a message to members that was reviewed by The Times. "So, after careful consideration, I am announcing that starting today, we are undergoing a significant change in our communications strategy. We are no longer airing 'live TV' programming."

Loesch gained some notoriety for her NRATV videos, which often depicted her intoning about the dangers new efforts at gun control could bring to the United States. "The only way we stop this, the only way we save our country and our freedom, is to fight this violence of lies with the clenched fist of truth," she said in one video lecture. In September of last year, she railed against the children's show "Thomas & Friends" after the long-running program partnered with the United Nations to widen the diversity of its characters.

The NRA has cut ties with the marketing agency Ackerman McQueen., which operated NRATV.

<https://variety.com/2019/digital/news/nratv-production-halted-dana-loesch-1203253364/>

## CNN: NRA to shut down production of NRATV

By Veronica Stracqualursi

June 26, 2019 – 8:18 AM

The National Rifle Association is shutting down production of its online streaming network, NRATV, according to a spokesman for the gun lobby.

Andrew Arulanandam confirmed to CNN on Wednesday that the organization will stop producing new content for its 24-hour live online channel. The decision was first reported by the [New York Times](#).

The Times noted that NRATV may air past content, but its hosts, like Dana Loesch, will no longer be featured in live programming.

The move to end NRATV's programming comes amid troubles for the powerful lobby group, with reports of [infighting among its top ranks](#) and [scrutiny of its finances](#) by the New York attorney general.

The NRA also severed its business ties to its longtime advertising firm, Ackerman McQueen Inc., which operates NRATV, according to the [Times](#).

The two have been locked in a legal battle, with the NRA accusing Ackerman of breach of contract and their fiduciary duty in a lawsuit. The [complaint, filed in May](#), also claims the ad agency attempted to engineer a failed coup against the NRA's CEO Wayne LaPierre. Ackerman called the suit a "reckless attempt to scapegoat Ackerman McQueen for the NRA's own breakdown in governance, compliance and leadership."

An earlier suit argued that Ackerman failed to disclose details about \$40 million that the NRA and affiliated groups spent annually with the firm and a subsidiary. Ackerman [called the allegations "false"](#) and later filed a counterclaim, accusing the NRA of using litigation as a ploy to terminate the contract without properly compensating the firm, [The Wall Street Journal](#) had reported.

In a statement obtained by the Times, Ackerman said it was "not surprised that the NRA is unwilling to honor its agreement to end our contract and our long-standing relationship in an orderly and amicable manner."

"When given the opportunity to do the right thing, the NRA. once again has taken action that we believe is intended to harm our company even at the expense of the NRA itself," the company said, the Times reported.

The Times reported that LaPierre told members in a message expected to be sent Wednesday that "many members expressed concern about the messaging on NRATV becoming too far removed from our core mission: defending the Second Amendment."

Last year, the channel stirred up controversy when [Loesch criticized the children's show "Thomas & Friends"](#) for partnering with the United Nations to increase diversity on the program — and showed the characters on-screen wearing Ku Klux Klan hoods.

<https://www.cnn.com/2019/06/26/politics/nra-shut-down-production-nratv/index.html>

## Washington Post: NRA's Top Lobbyist Resigns Amid Chaos at the Gun Rights Organization

By Katie Zezima and Beth Reinhard

June 26, 2019 – 5:13 PM

The National Rifle Association plunged further into chaos Wednesday as its top lobbyist resigned, its television arm shut down and the organization severed all business ties with its longtime advertising agency.

Christopher W. Cox, [who was on administrative leave](#), officially stepped down days after being accused in a lawsuit of participating in an alleged extortion scheme to oust the organization's chief executive, Wayne LaPierre. Cox has denied the allegations.

LaPierre informed the NRA staff of Cox's resignation in an email. In it, he cited the allegations in the lawsuit as the reason Cox was placed on leave. He also thanked Cox for his years at the organization and his advocacy of Second Amendment rights.

Cox could not be reached for comment Wednesday.

Cox received about \$1.1 million in compensation in 2017, the NRA's most recent tax filing shows. As second-in-command, he led the NRA's powerful political arm, which spent a record \$30 million to help elect President Trump.

The resignation has sparked worry among some staffers and board members, who note that Virginia lawmakers are convening for a special session on gun control and that the Democratic presidential candidates are aggressively promoting anti-gun platforms.

Cox's departure comes as another potent NRA force has been closed. An NRA spokesman said NRATV — which sometimes streamed dire, dystopian programming that had nothing do to with guns — no longer exists. It had long been controversial, with one segment [digitally adding Ku Klux Klan hoods to trains in the children's show "Thomas the Tank Engine,"](#) a criticism of the show's producers' trying to make its characters more diverse.

Numerous members of NRA's board were concerned that NRATV strayed too far into politics and away from Second Amendment advocacy. Its shutdown was [first reported by the New York Times](#).

NRATV was a collaboration between the organization and its longtime advertising agency, Ackerman McQueen, with which it is embroiled in several lawsuits. The end of NRATV also marks the final severing of the business relationship between the two organizations, which worked closely together for decades and helped brand the NRA as a combative group that would aggressively defend Second Amendment rights.

"The NRA regrets that a longstanding, formerly productive relationship comes to an end in this fashion," NRA spokesman Andrew Arulanandam wrote in a letter Tuesday to Ackerman chief executive Revan McQueen.

In a statement Wednesday, Ackerman accused the NRA of refusing to make good on millions of dollars in "delinquent payments" owed to the firm but said it was ready to break with the group.



"For Ackerman McQueen, it is time to move on to a new chapter without the chaos that has enveloped the NRA," the company said.

The changes come at a difficult time for the NRA. In April, LaPierre told the organization's board of directors that its then-president, Oliver North, would release a letter detailing a "devastating" account of the organization's finances if LaPierre did not step down. Cox is alleged to have participated in what the NRA calls that extortion attempt, according to the lawsuit filed last week against North.

North resigned, saying that the organization's finances were in "clear crisis."

The NRA is also facing a probe of its nonprofit status by the New York attorney general, and a congressional investigation.

[https://www.washingtonpost.com/national/nras-top-lobbyist-resigns-amid-chaos-at-the-gun-rights-organization/2019/06/26/235447ec-9835-11e9-916d-9c61607d8190\\_story.html?utm\\_term=.03486384b8c0](https://www.washingtonpost.com/national/nras-top-lobbyist-resigns-amid-chaos-at-the-gun-rights-organization/2019/06/26/235447ec-9835-11e9-916d-9c61607d8190_story.html?utm_term=.03486384b8c0)

USA Today: NRA pulls the plug on NRATV live programming amid dispute with ad agency, lobbyist resignation  
June 27, 2019

The National Rifle Association's live TV programming is cancelled, an executive announced Wednesday, the same day a top lobbyist resigned.

Costs and concerns about NRATV content deviating from Second Amendment rights influenced the cancellation, said Executive Vice President and CEO Wayne LaPierre [in a statement](#).

The turmoil follows the gun rights group's growing financial difficulties, [internal power struggles](#) and a probe by New York's attorney general.

Lobbyist Chris Cox's resignation was confirmed by NRA spokesman Andrew Arulanandam. The group put Cox, the executive director of the NRA's lobbying arm, on leave about a week ago for allegedly being part of a failed attempt to oust LaPierre.

For the TV programming shutdown, LaPierre also blamed Ackerman McQueen, the Oklahoma-based advertising agency that operated the digital platform. The NRA [sued the agency](#) and its subsidiary Mercury Group in April for withholding business records, after 38 years of working together.

The two officially severed ties Wednesday. Ackerman McQueen fired back at LaPierre's claim the agency didn't honor obligations, saying the NRA uses intimidation tactics and owes it millions of dollars.

"Ackerman McQueen is not surprised that the NRA is unwilling to honor its agreement to end our contract and our longstanding relationship in an orderly and amicable manner," the agency said [in a statement](#).

Ackerman McQueen has been credited with creating some of the NRA's most memorable messaging, including the late Charlton Heston's famous rallying cry that gun control advocates would have to take his guns ["from my cold, dead hands."](#)

The NRA's nearly 5.5 million members and others can still get information on the group's social media accounts and website, LaPierre said.

"We will energize our messaging strategy, become more cost efficient, and promote the NRA's singular focus like never before," LaPierre said in the statement. "Simply put, our messaging strategy will advance the NRA's core mission: to serve our members and fight for our Second Amendment."

<https://www.usatoday.com/story/news/nation/2019/06/26/nra-shuts-down-nratv-programming-chris-cox-lobbyist/1568612001/>

NPR: NRA Online TV Network Will Shut Down Amid Allegations of Financial Misconduct [Audio]  
By Tim Mark and Sasha Ingber

June 26, 2019

<https://www.peconicpublicbroadcasting.org/post/nra-online-tv-network-will-shut-down-amid-allegations-financial-misconduct>

WAMU: Turmoil at the NRA: TV Channel Ends, Lobbyist Resigns, A New Hill Probe Begins  
By Sasha Ingber and Tim Mak

The National Rifle Association has shut down its online TV channel and lost its chief lobbyist, new setbacks for group that also is the subject of another new congressional investigation, NPR has learned.

The NRA has struggled under both scrutiny from the outside for its connections to Russia's interference in American politics and from internal divisions over its leadership and its finances.

The latest developments took place Wednesday when the gun rights group's CEO, Wayne LaPierre, [announced](#) that the NRA's online channel NRATV would stop broadcasting live programming.

He cited costs, return on investment and the direction of the content.

LaPierre also blamed Ackerman McQueen, the Oklahoma-based advertising firm overseeing television production. Despite a decades-long relationship between Ackerman McQueen and the NRA, allegations of financial impropriety have led to a [contentious legal dispute](#).

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Last year, one segment [drew condemnation](#) for featuring Ku Klux Klan hoods on "Thomas the Tank Engine" trains as NRA spokeswoman Dana Loesch complained about a children's television show that had diversified its characters.

At least some of the NRA's leadership thought the TV programming crossed a line.

"There were a lot of us, including the CEO, who were extremely concerned and upset that it seemed to be an off-topic subject," NRA board member Joel Friedman told NPR. "But remember, who is the one who drove the bus on NRATV? It was Ackerman McQueen."

The company responded with its own criticism of the gun rights group.

“Ackerman McQueen is not surprised that the NRA is unwilling to honor its agreement to end our contract and our longstanding relationship in an orderly and amicable manner,” it said in a [statement](#). It said the NRA refused to pay millions of dollars and used intimidation tactics.

“When given the opportunity to do the right thing, the NRA once again has taken action that we believe is intended to harm our company even at the expense of the NRA itself,” it added.

Loesch did not immediately respond to NPR’s request for comment. The NRA declined to comment.

### **NRA’s top lobbyist steps down**

Chris Cox, the NRA’s top lobbyist in Washington, D.C., resigned after nearly 25 years, multiple sources told NPR. As the head of the NRA’s lobbying arm, he was considered one of the most powerful figures in the capital.

Cox has worked at the organization since 1995, and has been the NRA’s top lobbyist since 2002.

He had been suspended after being accused of contributing to the effort to oust LaPierre, an allegation he denies. Friedman, the board member, said he was surprised to learn that Cox had quit.

“I’ve known him 17 years and he’s always been a strong advocate for the Second Amendment and Second Amendment rights,” said Friedman, who sits on the NRA’s board . He was surprised to learn that Cox had quit.

Cox did not respond to a request for comment.

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Rep. Brad Schneider, D-Ill. a member of the House Ways and Means Committee, told NPR that he was launching an investigation into whether wrongdoing has occurred and “whether these activities warrant reconsideration of the NRA’s tax-exempt status.”

He sent a [letter](#) to LaPierre on Wednesday afternoon demanding financial documents and correspondence related to LaPierre’s claim that [former NRA president Oliver North](#) tried to force him to resign, among other items.

At least three congressional committees are investigating the NRA, in addition to a [probe launched by New York Attorney General Letitia James](#).

### **Growing divisions within the gun rights community**

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Some supporters of the Second Amendment are continuing to advocate for gun rights but going public with their specific opposition to the NRA due to allegations of financial misconduct.

Greg Kinman, who runs a YouTube account about firearms with 4.2 million subscribers, [announced](#) last week that he was no longer taking support from the NRA or promoting the group because of the recent controversies.

“It’s kind of gotten to the point where it’s the last straw,” Kinman said.

And prominent conservative writer Erick Erickson [wrote on his website](#) that the NRA was “adrift by grift” and “rotting from the inside out.”

Meanwhile, former NRA staff have joined with NRA members to form a group called Save the Second. Founded in the last week and a half, it was created to be a watchdog for the NRA’s finances.

“Save the Second really does exist to help the NRA find a path back to credibility, legitimacy and effectiveness,” board member Robert Pincus told NPR. “The established leadership of the NRA has become complacent in regard to our fight for gun rights, and they’ve become focused on fundraising and cronyism.”

<https://wamu.org/story/19/06/26/turmoil-at-the-nra-tv-channel-ends-lobbyist-resigns-a-new-hill-probe-begins/>

## Pajiba: Twitter is Celebrating the End of NRATV and the Firing of Dana Loesch

By Dustin Rowles

June 26, 2019

The NRA has been falling apart for quite some time and for obvious reasons. I *think* that at one point it was a *somewhat* reasonable organization, at least inasmuch that even some New England liberal hunter types were proud members. Somewhere along the way, however, it stopped being about defending the 2nd Amendment and being more about supporting the gun lobby, enabling school shooters, and ensuring that Congress never passed even reasonable gun-safety laws that the large majority of Americans supported. The extreme arm of the NRA took control, and no one embodied their new message more than Dana Loesch, the vile face of the NRA’s media arm, which operated NRATV. It did so poorly, it must be said: The advertising firm, Ackerman McQueen, was paid \$40 million a year, and the NRATV website only **mustered** 49,000 visitors a month.

Still, Dana Loesch was front and center after every school shooting, often seemingly advocating for violence against celebrities and liberals, and vehemently defending Donald Trump. As such, the NRA’s finances in the last couple of years have gone in the toilet; there have been internal wars, particularly between the NRA’s President Wayne LaPierre, and its former one, Oliver North, who tried to orchestrate an internal coup. Membership has fallen, and the NRA faces investigations from both Congress and the New York Attorney General’s office.

The firing of the ad firm Ackerman McQueen — who was already estranged from the NRA — and Dana Loesch was a long time coming. Last night, the NRA made it official, and Twitter was ecstatic.

There’s one person, however, who is defending Loesch. From what I understand, she’s the daughter of a certain Senator, but don’t tell anyone because she likes to keep that on the down-low.

<http://www.pajiba.com/politics/twitter-is-celebrating-the-end-of-nratv-and-the-firing-of-dana-loesch-.php>

## The Root: Twitter Offers 'Thoughts and Prayers' After NRATV Meets Its Untimely Demise

By Jay Connor

June 25, 2019 – 12:00PM

In the immediate aftermath of tragedy, the phrase “thoughts and prayers” is probably the last thing you want to hear. Especially if it’s in response to a mass shooting and coming from politicians or public figures with no intention of properly addressing gun reform.

On Tuesday, the New York Times reports that the plug got pulled on NRA spokeswoman Dana Loesch and her pulpit of choice—the controversial network NRATV. But instead of offering flowers to mourn their losses, Twitter went the peak petty route and offered thoughts and prayers instead.

Apparently, we have ad firm Ackerman McQueen to thank. They’ve been involved in a bitter legal spat with the NRA after severing all business ties with the gun rights group.

From the New York Times:

The move comes amid a flurry of lawsuits between the N.R.A. and Ackerman, and increasing acrimony that surfaced after two prominent N.R.A. board members first criticized NRATV in an article in The Times in March. The separation had become inevitable: The two sides said last month that they were ending their three-decade-plus partnership.

In a statement circulating among its members, the NRA appears to pin the blame on concerns that its messaging was being misconstrued.

“Many members expressed concern about the messaging on NRATV becoming too far removed from our core mission: defending the Second Amendment,” Wayne LaPierre, the N.R.A.’s longtime chief executive, wrote in a message to members that was expected to be sent out by Wednesday. “So, after careful consideration, I am announcing that starting today, we are undergoing a significant change in our communications strategy. We are no longer airing ‘live TV’ programming.”

Ackerman McQueen, on the other hand, wants all the smoke.

“When given the opportunity to do the right thing, the N.R.A. once again has taken action that we believe is intended to harm our company even at the expense of the N.R.A. itself,” the company added. It said it “will continue to fight against the N.R.A.’s repeated violations of its agreement with our company with every legal remedy available to us.”

It’s been a tumultuous year for the NRA. It suspended its top lobbyist and second-in-command Christopher W. Cox., braved investigations spearheaded by New York attorney general Letitia James, and struggled financially with NRATV providing such a meager return on its investment.

So on behalf of The Root, I’d like to extend our thoughts and prayers to the NRA.

<https://www.theroot.com/twitter-offers-thoughts-and-prayers-after-nratv-meets-i-1835871901>

## Think Progress: NRA Announces End of New Production at NRATV

By Casey Michel

June 26, 2019 – 12:54 PM

Between executive infighting and ongoing questions surrounding possible Russian financing, the National Rifle Association's (NRA) woes show no signs of slowing.

Now, the NRA has announced its latest casualty as its slow collapse continues: NRATV, the organization's primary media arm.

As the New York Times [reported](#) late Tuesday evening, the NRA has shut down production of its firebrand streaming service. NRATV, the Times reported, "may continue to air past content," but its "live broadcasting will end." Moreover, some of the outlet's most notorious on-air personalities — including, most especially, Dana Loesch — "will no longer be the public faces of the NRA."

NRATV has long been a lightning-rod of criticism for the NRA. Much of that criticism has centered on the fact that NRATV, rather than highlighting specifically gun-related news, has instead transformed into an outlet dedicated to the type of culture-war rhetoric aimed at the broader Republican base — a business model that has also recently begun attracting criticism from longtime NRA supporters.

NRA President Wayne LaPierre pointed directly to this internal criticism in a [statement](#) issued Wednesday on the NRA's site. "Many members expressed concern about the messaging on NRATV becoming too far removed from our core mission: defending the Second Amendment," LaPierre wrote. "So, after careful consideration, I am announcing that starting today, we are undergoing a significant change in our communications strategy. We are no longer airing 'live TV' programming. Whether and when we return to 'live' programming is a subject of ongoing analysis."

In his announcement, LaPierre pointed directly to another issue that has haunted the NRA over the past few months: the organization's relationship with Ackerman McQueen, an advertising firm that operates NRATV.

The NRA and Ackerman McQueen have been partners since the 1980s, but that relationship began fraying last year after New York Attorney General Letitia James announced her office would be investigating the NRA's tax-exempt status. The NRA, as a result of James's announcement, moved to audit contractors it worked with — an audit that Ackerman McQueen refused to comply with, despite the fact that the NRA paid Ackerman McQueen some \$40 million per year.

As a result of Ackerman McQueen's refusal, the NRA announced that the relationship between the two is over — with new productions at NRATV a casualty of the split. "What necessitated the change now is our conclusion that our longtime advertising firm and website vendor failed to deliver upon many contractual obligations it made to [the NRA]," LaPierre wrote on Wednesday, describing the NRA's break with the ad company.

The effective closure of NRATV is the latest in a long series of blows to the NRA over the past two years.

In addition to the break with Ackerman McQueen, former NRA President Oliver North [stepped down](#) in April following his attempted ouster of LaPierre. North alleged that LaPierre engaged in a raft of

financial improprieties, including spending hundreds of thousands of dollars on clothing and travel, among other expenses — information North supplied directly to Ackerman McQueen.

The questions about LaPierre's spending habits come amidst public pressure on numerous companies that supported the NRA, or offered discounts to NRA members — some of which ended their relationships with the NRA following questions from outlets like ThinkProgress. The financial situation at the NRA has grown so dire that the company revealed it [no longer offers](#) free coffee for employees. As The Trace [reported](#), NRA membership revenue also dropped nearly a quarter between 2017 and 2018.

The unprecedented turmoil also comes amidst continued questions about whether or not the NRA acted as a funnel for Russian financing for the Trump campaign, a relationship [first highlighted by ThinkProgress](#). Thanks to close relations between NRA higher-ups and convicted Russian agent Maria Butina — as well as a controversial trip to Moscow in late 2015, where NRA representatives met with sanctioned Russian officials — the questions have continued well into 2019. Sen. Ron Wyden (D-OR) is planning to issue a formal report on the NRA's relationship with Russia, and its role as part of broader Russian interference operations in 2016.

As it is, NRATV's most prominent personalities, including Loesch, haven't yet said anything about this week's announcement. (As the Times reported, Loesch's decision to "[put Ku Klux Klan hoods on talking trains](#) from the popular children's program 'Thomas & Friends' drew outrage from some within the organization.") Others who made their name at NRATV, like Dan Bongino and Chuck Holton, have also been silent. The individual websites for each NRATV series now redirect specifically to LaPierre's statement.

But some of the NRATV personalities seem to be taking the news in stride. Cam Edwards, who hosts the daily "Cam and Company" show, described his work with NRATV as a "privilege and pleasure."

The Virginia Shooting Sports Association tweeted that it hoped the NRA "will find a way to bring back" his show.

<https://thinkprogress.org/nra-nratv-end-production-collapse-controversy-budget-dana-loesch-wayne-lapierre-715e4798820c/>

WRAL: No. 2 at NRA resigns after being placed on leave  
June 26, 2019

By Kate Sullivan and Sara Murray

**CNN** — The National Rifle Association's No. 2 official Christopher Cox resigned on Wednesday shortly after he was placed on leave, according to NRA CEO Wayne LaPierre.

In an email obtained by CNN from LaPierre to NRA employees, the CEO thanked Cox "for his service to the NRA" and said he had accepted Cox's resignation.

The move comes shortly after the NRA accused Cox of aiding the recently failed coup against LaPierre, who has been the head of the NRA for decades, the New York Times reported.



In a federal lawsuit filed in June, the NRA alleged the group's former President Oliver North attempted to oust LaPierre, and argued texts and emails showed Cox participated, the Times reported, adding that Cox was once thought to be a possible successor to LaPierre.

The announcement of Cox's resignation comes the same day a spokesman confirmed the NRA is shutting down production of its online streaming network, NRATV.

Andrew Arulanandam confirmed to CNN on Wednesday the organization will stop producing new content for its 24-hour live online channel. The decision was first reported by the Times.

The changes in the organization come as the NRA is being investigated by the New York attorney general's office.

A spokesman for the office would not confirm what the investigation was regarding, but the advocacy group Everytown for Gun Safety said it filed a complaint about the NRA's tax-exempt status with the IRS.

Contributions to the NRA are lagging, the Times reports, and the organization is facing an increasingly well-financed opposition movement in the wake of several mass shootings.

LaPierre was reelected to his leadership position in April following the power struggle and a replacement was confirmed for North.

<https://www.wral.com/no-2-at-nra-resigns-after-being-placed-on-leave/18475752/>

## Joint Employer Rule

Espacio de Prensa: Attorney General James Opposes Trump Administration Rule that Endangers the Rights of Millions of Workers

June 25, 2019

NEW YORK - Attorney General Letitia James today co-led a multi-state group of 19 State Attorneys General in sending [a letter](#) expressing opposition to a proposal from the US Department of Labor, which would limit the interpretation of joint employment, which would complicate the way in which states implement and enforce labor laws. This proposal would also leave millions of workers vulnerable to future violations of labor rights. The coalition is co-led by the Attorneys General of New York, Massachusetts, and Pennsylvania.

In the letter, sent today to Secretary Alexander Acosta of the Department of Labor (USDOL, for its acronym in English), the Attorneys General challenge the proposed change by the USDOL to the status of joint employer, under the Law of Fair Labor Standards (FLSA) - an interpretation that governs the responsibility of an employer who shares with another employer control over the terms and conditions of employment of workers. The Prosecutors General maintain that the Department of Labor of the nation has not justified the new interpretation and rather is based on obsolete analyzes that do not take into account the changing nature of current labor relations, including the fact that a high number of companies change their organizational models by outsourcing integral functions,

"The Department of Labor was created to protect workers, not to empower the companies that exploit them," said **Attorney General Letitia James**. "Restricting the definition of a 'joint employer' would negate the legal protections of workers, jeopardize collective bargaining and potentially allow employers

to evade justice for committing labor violations. The mistreatment of workers is unacceptable, and we will continue working to make the bad actors accountable. "

Under the new standard proposed by the USDOL, joint employment would be determined if an employer hires or dismisses an employee, supervises and controls their schedule, and working conditions, determines the rate and method of payment, and maintains the data of the employee. However, according to the **General Prosecutors**, this proposal is inconsistent with the objective of the Law of Fair Labor Standards to protect workers, and ignores the more than 30 years of private sector development, during which the economy and conditions in the workplace they have changed.

The **Attorneys General** also insist that the USDOL proposal does not reflect current labor relations. They argue that companies increasingly share employees using independent contractors, third-party management companies, and personnel agencies or other labor providers. By reducing the scope of joint employment, the change in standards will leave millions of workers vulnerable to violations of federal and state labor laws.

If the federal initiative does not cover companies that pay for subcontracted employees while also controlling the conditions and terms of employment, the **Attorneys General** believe that gaps in compliance with laws will inevitably increase, leaving more workers victims or at greater risk of labor exploitation. The Attorneys General have jointly held employers under state labor laws in appropriate circumstances to ensure a complete and effective remedy for injured workers, and Attorney General James will continue to enforce state labor laws in order to fully claim the rights of workers. Workers.

Today's letter was co-directed by the **Attorneys General** of the States of New York, Massachusetts, and Pennsylvania; and signed by the State Attorneys of California, North Carolina, Connecticut, Delaware, the District of Columbia, Illinois, Maryland, Minnesota, New Jersey, New Mexico, Oregon, Rhode Island, Vermont, Virginia, Washington and Wisconsin.

<https://www.espaciodeprensa.com/2019/06/26/fiscal-general-james-se-opone-a-regla-de-la-administracion-trump-que-pone-en-peligro-los-derechos-de-millones-de-trabajadores/>

## ICE Raids

### 27 East: Families 'Completely Shaken Up' After ICE Raid Announcement

By Anisah Abdullah

June 26, 2019 – 9:57 AM

Local immigrant families are planning for the worst after news broke over the weekend that the U.S. Immigration and Customs Enforcement, or ICE, will soon begin nation-wide raids to round up undocumented immigrants with existing deportation orders.

Minerva Perez, executive director of the Latino advocacy group OLA of Eastern Long Island, said that families are "completely shaken up" and parents are left with no choice but to plan out who will care for their children in case they get deported.

"People are definitely responding and telling us that they're very afraid. It has a huge effect," Ms. Perez said, adding that some people are trying to stay indoors as much as possible.

On Friday, June 21, President Donald Trump ordered ICE to conduct the raids in major cities and regions with high immigrant populations beginning as early as that Sunday morning, The Washington Post reported. The president then announced in a tweet the following day that he would delay the raids for two weeks as a way to pressure Congress to sort out immigration issues.

Ms. Perez said that OLA is hosting emergency planning workshops to make sure affected families have all their paperwork in order, including those for temporary parental designation for their children. She explained that a designee should be someone with full legal status, so he or she is not necessarily a relative.

"These could be people that the kid doesn't even know that well. But the family has to have someone so that the kid doesn't end up in foster care," she said.

Her organization is also planning to share resources at religious institutions and workplaces for information related to immigration rights and how employers can protect their workforce.

Local immigrants have been the target of ICE raids in the past, making it likely that the upcoming mass raids will affect the East End. A year ago, 225 people were detained in a sweep in New York City, Long Island and the Hudson Valley.

ICE workers are aiming to round up about 2,000 people who already have removal orders across the nation, according to multiple news sources.

In an email that Ms. Perez sent to immigration attorneys and advocates on the night of the initial announcement, she said that the targeted removal cases are most likely not for people considered to be dangerous, but rather for people who have lost their case for asylum or who cannot prove their child is "sick enough for it to matter if you are deported."

She recently spoke to an immigration attorney who was briefed by ICE attorneys and said that immigrants held for criminal hearings, arrested for dangerous crimes or serving time for a conviction undergo a different legal process and will probably not be affected by the impending raid.

"They happen out here in a way that you're driving through town and you see a number of black unmarked Escalades and it's a gut-wrenching feeling," Ms. Perez said. "You want to be able to say, 'OK, good, they're getting the bad guy, or they're getting the drug guy, or they're getting this and that.' That's not the case."

"It's a matter of really understanding what damage is being done to a community because fathers have been taken, mothers have been taken, children are just absolutely shaken and jostled by this whole thing."

OLA, which stands for Organización Latino-Americana, will have a public meeting on Friday evening, June 28, at the Christ Episcopal Church in Sag Harbor to encourage community engagement and support.

Mr. Trump's latest action to delay the raid by two weeks came as a tweet hours before the raids were expected to start.

"At the request of Democrats, I have delayed the Illegal Immigration Removal Process (Deportation) for two weeks to see if the Democrats and Republicans can get together and work out a solution to the Asylum and Loophole problems at the Southern Border," the tweet read. "If not, Deportations start!"

Speaker of the House Nancy Pelosi called on Mr. Trump to stop the raids in a statement on Saturday and he tweeted the delay announcement hours later.

There are a number of immigration issues currently being addressed in Congress, including an approximately \$4.5 billion spending bill to provide emergency resources to the rising number of immigrants entering the U.S. at the southern border.

Republican Senator Lindsey Graham of South Carolina also introduced a bill that would require those seeking asylum to apply in their home countries instead of at the border, as well as increase the maximum detention period for minors from 20 to 100 days.

Top state officials have scorned the recent order from Mr. Trump as well as his delay announcement.

"The Trump Administration's impending blitz of ICE raids across the country, including here in New York, is shameful and wholly unacceptable, and we will fight back at every turn to protect our immigrant families," Governor Andrew M. Cuomo said in a prepared statement. "As I've said before, if there is a move to deport immigrants, then I say start with me—a son of immigrants."

New York Attorney General Letitia James said in a prepared statement that Mr. Trump's using of immigrant families as "pawns in a game of political chess is immoral and reprehensible."

"Immigrants should have never been placed in jeopardy by a president who is willing to rip families apart in order to score points with his base," she said in the statement.

Concerned residents seeking further assistance can call the Office for New Americans hotline at 1-800-566-7636. Individuals can check if a removal order has been issued against them by calling the Immigration Court Information System at 1-800-898-7180.

<http://www.27east.com/news/article.cfm/East-End/597884/Families-Completely-Shaken-Up-After-ICE-Raid-Announcement>

## Greenlight Law

### WSKG: New Law Allowing Licenses for Undocumented Drivers Confuses Some County Clerks, Angers Others

By Payne Horning

June 25, 2019

SYRACUSE, NY (WRVO) – The recently passed Green Light Act will allow undocumented immigrants in New York to apply for a driver's license with foreign passports, consular identification documents, and foreign driver's licenses. These changes won't take effect until December, but Seneca County Clerk Christina Lotz says as of now, she does not plan to comply.

"It's not the right law we should be upholding," Lotz said. "When you go into a motor vehicle office, you have to have a birth certificate, you have to have a Social Security card, you have to have proof of your address. If these individuals come in and they don't have that information, I'm supposed to issue them a license but yet I had to turn you away because you don't have a Social Security card? That's where we are being put."

Lotz says she and several other county clerks in the region she has spoken to are opposed to the new law, in part because of the burden it will place on their offices to process unfamiliar foreign documents.

"How do we prove that it's true and how do we prove that it's an original and how do we prove that person is who they say they are," She asked. "What are these documents going to be in? How are we going to translate those? We're not trained to do that."

Lotz and Oswego County Clerk Michael Backus are also worried because they took an oath to uphold the U.S. Constitution, which makes Congress the ultimate authority on immigration.

"Predominantly, these are folks that are not legally in the country and that brings up a whole bunch of other questions," Backus said. "I have some concerns about that and whether the state is infringing upon that federal rule."

Backus wrote to President Donald Trump this week asking for the U.S. Justice Department to review the law. New York State Attorney General Letitia James recently said it is constitutional and they will defend it in court if necessary.

<https://wskg.org/news/new-law-allowing-licenses-for-undocumented-drivers-confuses-some-county-clerks-angers-others/>

## Harvey Weinstein

Metro: Harvey Weinstein tells reporters 'I'm not a saint, but I'm not a sinner' in leaked phone call

By Emma Kelly

June 27, 2019

Harvey Weinstein insisted he was 'not a saint, but not a sinner' in a leaked recording of a conversation with New York Times journalists. The producer's downfall began with a 2017 expose in the newspaper

written by journalists Jodi Kantor and Megan Twohey, with over 80 women going on to accuse Weinstein of sexual misconduct or assault. And in the audio of a call from before the publication of the report, Weinstein claimed Kantor and Twohey were basing the report on 'hearsay'. In the phone call published by Inside Edition, which Kantor and Twohey didn't know was being recorded, the reporters explain that they have 'found a pattern over three decades of allegations of sexual harassment of multiple women'. Weinstein is heard saying: 'I think you ought to be specific and tell me who they are and if they're on the record... 'I'm not a saint, but I'm not the sinner you think I am.' Kantor and Twohey approached Weinstein for comment on the allegations (Picture: Taylor Hill/FilmMagic) He later said: 'There are mistakes you've made. I promise we will find them... 'It seems like you have a lot of hearsay on your hands. I'm gonna say this nicely: Get the facts right. You're journalists.' Inside Edition, who stressed that the recording didn't come from the New York Times, are planning to publish a longer segment from the phone call tonight. Weinstein, 66, has denied all allegations of non-consensual sex. The disgraced producer is awaiting trial on five felony charges – two counts of predatory sexual assault, one count of criminal sexual act in the first degree and one count each of first-degree rape and third-degree rape. Separately to the criminal trial, Weinstein is reportedly nearing a \$44 million (£35 million) deal to resolve lawsuits and compensate alleged victims of sexual misconduct. A civil rights lawsuit was filed by the New York attorney general's office in 2018, accusing Weinstein Co's executives and board of failing to protect employees from a hostile work environment and Weinstein's sexual misconduct. MORE: HARVEY WEINSTEIN Dame Judi Dench slams boycotts of Harvey Weinstein and Kevin Spacey's work George Clooney wants to be 'part of the solution' after #MeToo movement Harvey Weinstein reaches 'tentative' \$44million deal to resolve sexual misconduct lawsuits According to The New York Times, around \$30 million would go to plaintiffs including the alleged victims (who remain anonymous), creditors of Mr. Weinstein's former studio and some former employees. The rest would go on legal fees for Weinstein and the other defendants in lawsuit and it's claimed that the sum of \$44million would be covered by insurance, one year after Weinstein filed for bankruptcy. The outcome of this latest civil case, which is yet to be finalised, will not affect his ongoing criminal case, it is claimed.

<https://metro.co.uk/2019/06/27/harvey-weinstein-tells-reporters-im-not-saint-im-not-sinner-leaked-phone-call-10079159/>

## Female First: Harvey Weinstein reporter call audio leaked

June 27, 2019

Audio of a call between the disgraced movie mogul and journalists Jodi Kantor and Megan Twohey - who were behind the October 2017 New York Times expose which accused him of multiple allegations of sexual misconduct - has been leaked, and in the recording, the 67-year-old producer is heard quizzing the reporters for more information about his accusers.

On the audio, which was published by Inside Edition, Weinstein said: "I think you ought to be specific and tell me who they are and if they're on the record...

"I'm not a saint, but I'm not the sinner you think I am."

Elsewhere on the call - which the journalists didn't know was being recorded - the producer could be heard challenging their reporting.

He said: "There are mistakes you've made. I promise we will find them..."

"It seems like you have a lotta hearsay on your hands. I'm gonna say this nicely: Get the facts right. You're journalists."

Inside Edition are planning to publish more of the recording - which was made two days before the expose was published - on Thursday (27.06.19).

Weinstein has been accused of sexual harassment, abuse, and rape by more than 50 people, but he has denied all allegations of non-consensual sex, whilst his production company has also been accused of failing to protect their employees.

Of those who have accused him of misconduct, victims have filed more than 15 lawsuits, which are accusing Weinstein or his production company of misconduct, whilst Weinstein himself faces criminal charges including rape and performing a forcible sex act.

Earlier this year, Weinstein reached a "tentative" deal with his sexual abuse accusers to pay \$44 million in compensation.

Lawyer Adam Harris, who is acting for The Weinstein Company co-founder Bob Weinstein, told a bankruptcy court judge: "We now have an economic agreement in principal that is supported by the plaintiffs, the [New York attorney general's] office, the defendants and all of the insurers that, if approved, would provide significant compensation to victims, creditors and the estate and allow the parties to avoid years of costly, time consuming and uncertain litigation on all sides. There is [still] a lot of work here to do. But I personally am very optimistic."

<https://www.femalefirst.co.uk/celebrity/harvey-weinstein-reporter-call-audio-leaked-1200457.html>

## Other

Bloomberg: Democrats just got an 'ominous' sign in the fight to save Obamacare

By Erik Larson

June 26, 2019 – 5:15 PM

Democrats seeking to save Obamacare from oblivion were asked by a federal appeals court to explain why they should be allowed to defend the national health-care plan in court if the Trump administration won't.

The U.S. Court of Appeals in New Orleans, with a high-stakes July 9 hearing approaching, posed the question in a brief notice Wednesday to the Affordable Care Act's last defenders: a group of Democratic state attorneys general, led by California, and the Democratic-led U.S. House of Representatives.

The Democrats stepped in to defend Obamacare after the Justice Department abandoned the law when its constitutionality was challenged by a group of Republican-led states. The blue states aim to overturn an explosive December ruling that put former President Barack Obama's signature health-care overhaul on the chopping block, potentially leaving millions of Americans without insurance.

But the Fifth Circuit panel reviewing the case -- whose three judges haven't been identified yet -- is already signaling skepticism by asking the parties to explain within seven days, in a 15-page filing, why they have standing and whether they were too slow to intervene in the case.



The panel hinted that one possible outcome is to declare the red states the winners without even hearing the blue states' arguments.

The judges asked "whether or not, if none of the intervenors have standing, there is a live case or controversy between the plaintiffs and the federal government given their positions on appeal."

One law professor, Nicholas Bagley of the University of Michigan, said in a tweet that the notice from the court was an "ominous sign."

"If neither the blue states nor the House has standing, it would mean that no one has standing to appeal the decision," Bagley wrote in the tweet. "That would effectively leave the lower court decision unappealable."

This isn't the first time the federal courts have faced such a dilemma. When the Obama administration wouldn't defend a federal law that allowed states to refuse to recognize same-sex marriage, the Republican-led House of Representatives was allowed to step in to advocate for the law.

"Presumably, the courts will allow the House to do so again," said professor Charles Silver, a specialist in health-care law at the University of Texas at Austin School of Law.

Silver also said the blue states may have standing, "because they receive substantial benefits that will be imperiled if the statute is invalidated," including billions of dollars promised by the federal government for expanding their Medicaid programs.

Another law professor said that if the appeals court concludes the lawsuit was essentially cooked up by Obamacare foes to get a judge to sign off on the ruling they wanted without anyone defending the opposing viewpoint, the entire case could be dismissed.

"This case could become moot because of the Trump administration's own policy calculations about positions it wants to take," Jonathan Adler, a professor at Case Western Reserve University School of Law who helped draft a filing in the Obamacare case opposing the lower-court ruling.

The Texas attorney general's office declined to comment on the appeals court's notice.

New York Attorney General Letitia James said in an emailed statement that the government's refusal to defend the law in court was an abdication of Trump's Health and Human Services department.

"Americans deserve someone who will fight for them and this right, and that's exactly what we are doing," James said. "Once again, states will step in and lead the way where the federal government fails."

The Obamacare case was filed by a group of Republican attorneys general, led by Texas, in February 2018. In December, a Texas judge appointed by former President George W. Bush ruled in their favor, backing their claim that Obamacare should be scrapped because Congress removed a key element -- the penalty for not having insurance.

In February, a federal judge dismissed a lawsuit by the state of Maryland seeking a ruling that the Affordable Care Act is lawful even without the tax penalty once tied to it.

While analysts on both sides of the political spectrum have raised doubts about the Texas court's ruling, they say the fight could reach the U.S. Supreme Court. If that happens next year, it could make Obamacare a defining issue in the race for the White House and Congress.

<https://www.bloomberg.com/news/articles/2019-06-26/democrats-just-got-an-ominous-sign-in-the-case-to-save-obamacare>

## ACLU: Equity Must Be At the Heart of Marijuana Legalization

By Sagiv Galai

June 26, 2019 – 1:45 PM

Illinois just passed what may be the most progressive marijuana legalization bill in America. Gov. Pritzker didn't surprise anyone by signing the bill yesterday (he campaigned on the issue), and with the work of the state legislature Illinois is the 11<sup>th</sup> state to legalize marijuana for adult recreational use. This is a deceptively momentous criminal justice reform whose nuances show just why there cannot be justice in drug laws without equity. While a single bill cannot undo the damage rained by the war on drugs, and it cannot halt mass incarceration in a given state, in these 439 pages Illinois legislators not only called out the havoc of counter-productive drug enforcement but promised that the benefits of this important reform will be felt by the individuals and communities most harmed by the war on drugs, namely people of color and people with low incomes.

Marijuana legalization will touch thousands upon thousands of people. In Illinois alone, almost half of all drug arrests were for cannabis-related offenses. In 2010, two years before Chicago City Council decriminalized pot, over 33,000 arrests were made for marijuana possession. That's 91 arrests for pot per day – the highest in the country, and most of these were for 10 grams or less. And while arrests rates for folks smoking weed has plummeted in Chicago (Illinois' largest city) during the last few years, the rates of the disproportionate application of enforcement has remained atrocious. In fact, despite constituting 36 percent of the population of Chicago, in 2016 78 percent of all marijuana arrests were of Black people and less than 5 percent were of white people.

Unfortunately, this is par for the course in America; according to the ACLU's analysis of marijuana possession arrests in the United States between 2001 and 2010, on average Black people are almost 4 times more likely to be arrested for pot than white people. In Iowa, D.C., Minnesota, and indeed Illinois, these disparities ran as high as 7.5 to 8.5 times.

Even with these numbers in mind, before we lift up an aspirational bill such as this one we must answer some critical questions: Does this law address the disparate impact the war on drugs has had on communities of color? What will happen to the criminal records of those who used during the decades of pot prohibition? And will the expansion of the new economic opportunities of the legal market benefit those who have suffered from racist police policies like stop-and-frisk and selective enforcement?

In short, will marijuana legalization be defined by racial and economic justice or not?

After 2014, when Illinois opened the state's economy to the medical cannabis industry it became obvious that those individuals who face the harm of selective drug enforcement also "face greater difficulties accessing traditional banking systems and capital" needed to enjoy the boon of the market. These economic barriers were and are largely structural, and have their genesis in generations of economic disinvestment, segregation and discrimination that have long plagued communities of color.

Recognizing these harms, Illinois legislators have sought to develop robust programs and requirements that will "reduce barriers to entry for individuals and communities most adversely impacted by the enforcement of cannabis-related laws."

Relatedly and importantly, "equitable and accessible" is the centerpiece of this legislation. The Cannabis Regulation and Taxation Act is filled with plans like funding programs in vocational colleges for those who want to learn the technical skills needed to start a cannabis business, agricultural training and skill building in low-income schools, grants to entrepreneurs impacted by cannabis enforcement, required hiring or training of formerly incarcerated people and/or their family members, as well as a guarantee of low-interest loans and many waivers for application fees needed for obtaining a license. For example, one section guarantees that 50 percent of the nonrefundable fee for a cannabis business license application will be waived for all qualifying applicants.

To guarantee that these equity mechanisms actually benefit those who have been disproportionately targeted in the drug war, the bill created a "social equity program" and the "business development fund" exclusively tailored to address barriers of access. This endeavor is reminiscent of the program implemented by [the city of Los Angeles](#) in [2017](#), but goes well beyond its precursors.

One of the funding mechanisms for these programs will be a 3 percent or \$100,000 contribution from all medical dispensaries hoping to get early approval for recreational marijuana permits. This requirement is vital because it will ensure that instead of the rich and unaffected medical industry getting a head start on the market and, as a result, being unfairly positioned to acquire significant portions of the potential profits, the medical industry's historic success in Illinois will be used to contribute to the development of new entrepreneurs and to empower those who have been left out of the medical weed industry due to structural racism and overcriminalization.

The business development fund is designed to give businesses whose employees and owners reflect the populations that have been most targeted by the war on drugs a chance to succeed under the new regulations. The fund will facilitate their receiving low-interest loans. In Illinois' program these will be referred to as "social equity applicants." The term and the benefits that come with the program will apply exclusively to those whose ownership or control is constituted by at least 51 percent of residents from a "disproportionately impacted area," or "individuals who have been arrested for, convicted of..." a cannabis-related offense, or a family member of a person arrested for such a crime. This definition for social equity applicants adds to the innovations implemented by [the city of Oakland](#) in reaction to the deficits in California's regulatory framework for marijuana.

To make sure those who need to learn about these changes get the word, the bill also mandated funds for outreach to disproportionately impacted communities. The outreach will also include predominantly bilingual and immigrant communities in Illinois, ensuring a level of diversity in the market that reflects the state's demographics and empowers immigrant populations.

And just when you think Illinois' bill did it all, there's more.

The bill will also create oversight of the programs that will be at least partially composed of individuals disproportionately affected by the war on drugs, as well as doctors, members of the criminal defense bar, law enforcement officials, state representatives and community leaders. One such body, the office of the Cannabis Regulation Officer, has been charged with the duty of surveying and auditing any discrimination in the industry that may prevent women, the formerly incarcerated, minorities or folks with disabilities from entering the market.

This is what smart drug law reform looks like, and it is how we begin to repair the damage caused during the days of prohibition.

Similar to initiatives launched in [Massachusetts and California](#), by using the revenue generated by taxation of the new recreational cannabis market, Illinois will begin reinvesting in the communities most hampered by the war on drugs. 20 percent of the money will be allocated to mental health and substance abuse programs and 25 percent will be allocated to the pioneering R3 program (Recover, Reinvest and Renew).

Using 1 in every 4 new dollars raised by the marijuana tax, the R3 program was designed to allow leaders who know their communities to retain local control on the development of community-based responses to the damage wreaked by bad law enforcement and generations of municipal disinvestment. The money will be allocated to organizations and innovators seeking to mend their streets through re-entry programs, substance abuse programs, job training programs, violence reduction projects and trauma-treatment centers.

Finally, in terms of [expungement](#), the bill will employ the governor's clemency process to automatically clear the records of anyone sentenced for a marijuana crime of 30 grams or less, and individuals who were convicted of crimes that involved higher amounts of marijuana (30-500 grams) will be empowered to petition the judiciary to vacate their conviction or seek the assistance of the state's attorney in doing so. The State's Policy Advisory Council estimated that more than 700,000 cases will be eligible for expungement as the bill goes into effect in January 1, 2020. This bill will change people's lives.

Illinois has sought to take the lead in the legalization movement, and though as delineated here the bill has many positive aspects, it is not perfect. Because people won't be able to smoke weed in public, individuals who are also prohibited from smoking in their homes, like those who live in federally-subsidized housing, or anyone with an intolerant landlord, remain at risk of fines or arrest, though the bill has done away with the threat of jail or criminal records for marijuana related offenses.

As we watch the 2020 Presidential elections begin to unfold, marijuana legalization will surely remain a key issue for those concerned with our criminal legal system, drug policy, and racial justice. More states need to learn from and mirror the efforts made by Illinois this year. Efforts to legalize marijuana for recreational use in [New Jersey and New York](#) have recently failed to gain sufficient support, but voters won't stay patient for much longer. [New Yorkers got very close last week](#), and the pressure is still mounting, as [Attorney General Tish James reminded leaders of the NY Senate](#): "Over the past 20 years, New York has become the marijuana arrest capital of the world. With nearly 800,000 arrests for possession of small amounts...we have burdened several generations of young men and women with a

criminal record for activity that is currently legal in 11 states...In 2016, more than four out of every five marijuana arrests involved either an African American or a Latino.” States nationwide should be taking their cues from Illinois. Legalization reforms are as monumental as they are necessary, and they should be enacted everywhere.

<https://www.aclu.org/blog/criminal-law-reform/drug-law-reform/equity-must-be-heart-marijuana-legalization>

#### Lexology: NYDFS and Japanese Bank Settle for \$33 million over BSA/AML Allegations

June 26, 2019

On June 24, the New York Department of Financial Services (NYDFS), together with the New York Attorney General, [announced](#) a \$33 million [settlement](#) with a Japanese bank resolving [allegations](#) the bank’s internal controls—specifically, its anti-money laundering (AML), Bank Secrecy Act (BSA), and Office of Foreign Assets Control (OFAC) sanctions compliance programs—at its New York Branch were “systematically deficient” between November 2014 and November 2018. This allegedly resulted in violations of state and federal laws and regulations, as well as two previous NYDFS consent orders from 2013 and 2014. The settlement resolves an action that was commenced by the bank against NYDFS in connection with a 2017 application with the OCC to convert its state-licensed branches in New York, Illinois, and California and its state-licensed agency offices in Texas to federally licensed branches and agency offices. The action sought to block a NYDFS order that would keep the bank under its supervisory purview notwithstanding the OCC’s granting of the federal charter. The settlement indicates that neither NYDFS, NYAG, or the bank admit any wrongdoing, but have agreed to dismiss all outstanding claims, upon the bank’s monetary payment. The settlement states that NYDFS releases the bank of any further obligations related to the previous consent orders and notes that it “will not attempt to exercise any visitorial power or other supervisory, regulatory, or enforcement authority over [the bank] or its branches or agencies.”

<https://www.lexology.com/library/detail.aspx?g=02a81093-0735-4859-b4aa-7d0813d889ca>

#### Data Protection Report: Nine States Pass New and Expanded Breach Notification Laws

June 27, 2019

In the absence of federal action, states have been actively passing new and expanded requirements for privacy and cybersecurity (see some examples [here](#) and [here](#)). While laws like the California Consumer Privacy Act (CCPA) are getting all the attention, many states are actively amending their breach notification laws. Illinois, Maine, Maryland, Massachusetts, New Jersey, New York, Oregon, Texas, and Washington have all amended their breach notification laws to either expand their definitions of personal information, or to include new reporting requirements.

Below is a roundup of recent and significant changes.

#### 2019 U.S. State Laws Round Up:

Illinois ([SB 1624](#)) – *Illinois proposes notification requirements to the Attorney General*

The Governor is expected to sign an amendment to the Personal Information Protection Act, requiring businesses to notify the Attorney General of breaches involving at least 500 Illinois residents. The Attorney General will also be permitted to publish information concerning breaches.

**Maine ([LD 946](#)) – *Maine places new restrictions on internet service providers (ISPs)***

Maine's new Act to Protect the Privacy of Online Consumer Information prohibits ISPs from using, selling, or distributing consumer data without their consent. The Act, which will take effect July 1, 2020, will prohibit ISPs in Maine from attempting to pressure a customer into allowing the ISP to sell his or her data including by penalizing the customer or offering a discount.

**Maryland ([HB 1154](#)) – *Maryland imposes new requirements on entities following a security breach***

Amendments to Maryland's Personal Information Protection Act go into effect October 1, 2019. Among other things, the amended law: (1) expands the scope of businesses covered by the law to include businesses that own, license *or maintain* personal information of Maryland residents; (2) prohibits a business responsible for a breach from charging the applicable data owner or licensee for information needed for notification; and (3) prohibits business from using information "relative to the breach" for purposes other than providing notification regarding the breach, protecting or securing applicable personal information, and providing notification to certain information security organization to alert and avert future breaches.

**Massachusetts ([HB 4806](#)) – *Massachusetts expands data breach notification obligations***

Amendments to the Massachusetts' data breach notification law went into effect on April 11, 2019. The amendments require businesses to offer complimentary credit monitoring for 18 months if a breach involves a resident's Social Security number. Furthermore, breach notifications are to be provided on a rolling basis to avoid delay; and, if the exposed data is owned by a third party, then notice must identify that third party. Lastly, businesses must inform state regulators as to whether they maintain "a written information security program."

**New Jersey ([S. 52](#)) – *New Jersey expands the definition of personal information and modifies notification standards***

Effective September 1, 2019, New Jersey's law expands the definition of "personal information" to include usernames, email addresses, passwords, and security questions and answers affiliated with an individual's online account. If a breach occurs, businesses are required to notify affected New Jersey residents through written or electronic notice, directing them to promptly change their log-in credentials associated with that business, and any other accounts in which they use the same username or email address, password, or security questions/answers. Importantly, if a resident's email account is the subject of the security breach, the business cannot provide electronic notice to that email.

**New York ([SB5575B](#))- *New York expands the scope of protection under the law and establishes standards for businesses to protect consumer information***

Amendments to the Stop Hacks and Improve Electronic Data Security Act expand security breach protection to the following categories: (1) biometric data, (2) account numbers and credit or debit card numbers without a security code, and (3) usernames, email addresses, passwords, and security questions and answers. Businesses are exempt from issuing breach notifications when (1) the breach

results from an unauthorized person's inadvertent disclosure *and* the business reasonably finds that the breach does not pose any financial or emotional harm, or (2) the business has already sent out notifications under federal or other New York regulations. Additionally, the definition of "breach" is expanded to include unauthorized access, in addition to acquisition, of private information. Further, businesses are directed to take "reasonable safeguards" in protecting information through procedures such as, but not limited to: designating and training employees to implement and oversee security programs; regularly testing the effectiveness of security programs and making necessary modifications; and promptly deleting private information that is no longer used. Furthermore, the New York Attorney General will have three years, instead of two, to bring an action against a business for violating the act.

**Oregon ([SB 684](#)) – Oregon expands the scope of protected data and notification requirements for vendors**

Effective January 1, 2020, the Oregon Consumer Information Protection Act extends certain data breach notification requirements to vendors. Vendors must now notify any contracted "covered entity" within 10-days of discovering a breach of security, as well as the Attorney General, if the breach involves more than 250 consumers or if the number of individuals effected is unknown. Notification to the Attorney General is not required by vendors if the covered entity has already notified the Attorney General. The law also expands the definition of "personal information" to include "user names or other means of identifying a consumer for the purpose of permitting access to the consumer's account."

**Texas ([HB 4390](#)) – Texas adds definitive notification timeline and establishes an advisory council**

Effective January 1, 2020, amendments to the Texas Identity Theft Enforcement and Protection Act law require businesses to send breach notifications (1) to affected individuals without "unreasonable delay," but no later than 60-days after identifying such breach, and (2) to the Texas Attorney General within 60-days of identifying the breach, provided that the breach effects at least 250 Texas residents. Moreover, the law establishes a Texas Privacy Protection Advisory Council consisting of 15 appointed members who are "to study data privacy laws in [the] state, other states, and relevant foreign jurisdictions."

**Washington ([HB 1071](#)) – Washington expands the definition of personal information and sets new notification requirements**

Effective March 1, 2020, the definition of "personal information" is expanded to include the following categories: birthdate; unique private keys for signing electronic records; student, military, or password identification numbers; medical information; biometric information; and online login credentials. Businesses may send breach notifications by email, unless the breach involves the credentials associated with that email account. If the breach effects more than 500 residents, then the entity must provide notice to the Attorney General, identifying the type of information exposed, the time frame of exposure, the steps taken to fix the breach, and a copy of the notice sent to affected individuals. Entities must provide updated notice to the Attorney General if any information required to be provided to the Attorney General is unknown at the time the notice is filed. Lastly, the law reduces the prior 45-day notification timeline to 30-days.

<https://www.dataprotectionreport.com/2019/06/nine-states-pass-new-and-expanded-data-breach-notification-laws/>



## Security Info Watch: New York Legislature Strengthens Data Breach Policies with SHIELD Act

By Lucas Ropek

June 26, 2019

A new bill recently passed by the New York Legislature would change the state's approach to data breaches, providing consumers with more transparency while also imposing more stringent penalties on companies for cyber incidents.

The [Stop Hacks and Improve Electronic Data Security Act](#), or SHIELD Act, would update the state's breach notification laws, broadening the definition of what constitutes a breach, as well as expanding the current notification requirements for companies that are the source of the information leak.

As states across the country have sought to adopt consumer privacy legislation, New York legislators have pushed for some of the most comprehensive bills yet. Another recently introduced bill, [the New York Privacy Act](#), has sought to go even further than the California Consumer Privacy Act — giving residents unparalleled access to and control over their own data.

SHIELD was originally proposed by former Attorney General Eric Schneiderman in 2017, shortly [after the Equifax data breach](#) that affected over 145 million consumers. Since then, myriad companies have suffered through similar large-scale breaches, spurring lawmakers to shift regulatory frameworks to fit the new world of hacks and breaches that Americans live in.

Since its introduction, SHIELD has gone through a number of revisions, but its most current iteration received its first reading in May, made its way through the Legislature throughout June, and now heads to Governor Andrew Cuomo's desk, where it is expected to be signed into law.

The legislation expands the legal definition of what counts as data to include biometric data, as well as email addresses and their corresponding passwords and security questions. At the same time, it also expands what counts as a breach — changing the definition from one of acquisition to one of unauthorized access, which can include unauthorized viewing and copying, among other things.

The legislation also requires that companies implement "reasonable safeguards" to protect consumer data, while also expanding the current breach notification requirement, mandating that any person or organization affected by a breach be notified. Previously, notifications were only required for companies that do business in New York.

The bill would also broaden the oversight and power of the state attorney general to mitigate the kinds of legal conflicts instigated by large-scale breaches.

The bill would not give consumers a private right of action — an individual right to sue companies for breaches — which has often been held up by privacy rights activists as an ideal inclusion for legislation. However, it would cede legal authority to the AG, allowing for *parens patriae*, where punitive action is taken by a central authority on behalf of a collective.

"Consumers deserve the peace of mind that their private information is secure," said current Attorney General Letitia James [in a statement](#), lauding the passage of the bill. "That's why my office has been working hard this session to modernize our outdated laws governing data breaches. This bill is an

important step forward providing greater protection for consumer's private information and holding companies accountable for securing that data."

The question of whether the legislation goes far enough to protect consumer data depends on who you ask, however.

While many officials have lauded the new bill, Lee Tien, senior staff attorney for the Electronic Frontier Foundation, said that he felt the expansion of data breach definitions should be considered a basic measure, while adopting parens patriae over private right of action was not a preferred course of action.

"The history of litigation in this country is full of situations where a lot of different people brought lawsuits because of something a company did that hurt people in many different places," Tien said, arguing that ceding the power of legal recourse to a public official was an ineffective means of holding companies accountable.

Tien also said he felt that laws and regulations need to create more clarity about what counts as "data," how to protect that data, and what to do when it is compromised.

On the whole, many officials have described the legislation as an attempt to adapt to and keep pace with the acceleration of technology, and the many forms of data that come with it.

"Technology is evolving at an ever increasing pace, and government needs to step up to protect New Yorkers' privacy and personal data," said Senate Majority Leader Andrea Stewart-Cousins, [in a statement associated with the new legislation](#). "Consumers deserve the peace of mind of knowing that their personal information isn't being disseminated without their consent."

Lucas Ropek is a staff writer for Government Technology. He has worked as a newspaper reporter and writer in Massachusetts and New York. He received his Bachelor's degree in English from Kenyon College in Ohio. He lives in Northern California.

<https://www.securityinfowatch.com/cybersecurity/information-security/breach-detection/news/21086446/new-york-legislature-strengthens-data-breach-policies-with-shield-act>

The Sport Mail: Global Endpoint Security Market 2019 by Manufacturers, Regions, Type and Application, Forecast to 2023

June 26, 2019

The data collected in the **"Global Endpoint Security Market – Segmented by End user (Personal and Corporate), and Region – Growth, Trends, and Forecasts (2019 – 2023)"** report ([Sample Copy Here](#)) offers detailed insights on the market dynamic forces to enable informed business decision making and development strategy formulation supported on the opportunities present in the market. Endpoint Security Market report delivers the most up-to-date industry data on the actual and potential market situation, and outlook.

The Global Endpoint Security Market 2019 is bifurcated into multiple segments [Product, Applications, End-Users, and Major Regions]. The global Endpoint Security Market report represents the market's data in a better-analyzed way by fragmenting the market in several multiple segments product, its end-

users, applications, and others of the market segments. A review of the impact of the administrative regulations and policies on the Endpoint Security Market operations is also included in this report. The Endpoint Security Market report offers a complete analysis of competitive dynamics that are modifying and places the patrons ahead of competitors.

#### Endpoint Security Market Segmentation by **Major Players:**

Cardon Black Technology Inc., Cisco Systems, Cylance Inc., McAfee Inc., CrowdStrike Inc., Trend Micro Inc., Symantec Corporation, Palo Alto Networks Inc., RSA Security LLC, FireEye Inc., SentinelOne Inc., Sophos Group Plc, IBM Corporation, Kaspersky Lab Inc., Panda Security S.L, Eset LLC, Fortinet Inc., Bitdefender LLC, Avast Software Inc.

#### Overview of Endpoint Security Market Report:

*In 2017, the endpoint security market was valued at USD 10.18 billion and is expected to reach a value of USD 17.92 billion by 2023, registering a CAGR of 9.88% during 2019-2023 (the forecast period). The scope of this report is limited to the software solutions that are offered by vendors, which include advanced real-time threat protection, threat intelligence management, forensic analysis, and other techniques to help identify, correlate, and block potential threats. Some solutions include additional features like DLP, encryption, and web and email security, among others.*

*With the rapid growth in the number of cyber-attacks, the demand for strict acquiescence and security packages, to protect confidential data across different verticals, such as government, banking, retail, and manufacturing among others, is increasing and expected to drive the growth of the endpoint security market. Also, a number of companies are realizing the importance of being equipped with high-quality security solutions. Further, the rising adoption rate of various cloud applications, in particular email, is leading many organizations to opt for cloud security solutions. Therefore, the market is likely to witness a healthy growth.*

#### *North America To Hold The Largest Market Share*

*North America is the major hub for all the major enterprises in the world. The expansion of the retail sector and the growth of IoT are driving the demand for smart devices and mobiles in the region. Cyber-attacks in North America, especially in the United States, are rising rapidly and have reached an all-time high, owing to the increasing number of connected devices in the region. In the United States, consumers use public clouds and many of their mobile applications are preloaded with their personal information for the convenience of banking, shopping, communication, etc. In 2016, there have been a number of cyber-attacks, ranging from the theft of 40 million debit and credit card information to compromising over 22.8 million private records of New Yorkers from the New York Attorney General. Most of the private-company and personal data are at the risk of security breach. Moreover, the rise in the number of portable smart devices has led to an increase in the number of endpoints, which has augmented the number of security breach. All these factors have been instrumental while driving the growth of the endpoint security market in North America.*

#### *Increasing Number Of Mobile Devices*

*There is an increasing concern regarding the level of mobile protection that is being offered as endpoint security solution. Yet, there is an increasing importance of mobile devices in any organization as of the current scenario. Device control is a growing concern in the organizations, as proper device control is*

*necessary to protect the confidential data. There are many mediums by which confidential information that are difficult to track can be compromised, thus, leaving vulnerabilities in the network. There is a need for embedded security, as mobile endpoints store a large amount of application and critical data. It has been identified that cyber criminals have turned mobile endpoints as their main targets. For instance, in India, according to the RBI, SBI reported frauds worth INR 2,236.81 crore, followed by Punjab National Bank at INR 2,250.34 crore, and then Axis Bank at INR 1,998.49 crore, mainly due to frauds in mobile and internet banking.*

*With the advancements in the mobile technology, mobile endpoint security solutions need to manage the current mobility environment, with a mix of mobile endpoints, operating systems, and other personal data without compromising the user experience, privacy, and data. To take full advantage of the workforce mobilization, enterprises need to come up with more efficient and comprehensive enterprise mobility management solutions, rather than relying on short-term management solutions. Such a solution is offered by Symantec Corporation for endpoint protection of mobiles that responds in real time to many identified threats and takes deliberate actions and also leverages on machine learning, to protect connected devices and resources.*

*The key players in this market include: Cardon Black Technology Inc., Cisco Systems, Cylance Inc., McAfee Inc., CrowdStrike Inc., Trend Micro Inc., Symantec Corporation, Palo Alto Networks Inc., RSA Security LLC, FireEye Inc. and SentinelOne Inc.*

*Other players include Sophos Group PLC, Microsoft Corporation, Kaspersky Lab Inc., Panda Security SL, Eset LLC, Fortinet Inc., AVG Technologies, Trend Micro Inc., Bitdefender LLC, and Avast Software Inc.*

<https://thesportmail.com/global-endpoint-security-market-2019-by-manufacturers-regions-type-and-application-forecast-to-2023/102177/>

## Law360: States 'Stepped Into the Breach' As Crypto Market Exploded

By Dean Seal

Law360 (June 26, 2019, 9:53 PM EDT) -- While the eyes of the investing public have been trained on the U.S. Securities and Exchange Commission's efforts to police the nascent cryptocurrency market over the past 18 months, New York's attorney general turned heads in April when she accused digital currency trading platform Bitfinex of hiding the loss of \$850 million by tapping into the reserves of an affiliated cryptocurrency.

AG Letitia James' efforts to halt the alleged "dissipation" of U.S. dollars were the culmination of strides state agencies have made alongside federal regulators since the price of bitcoin hit its all-time high at the end of 2017. As the SEC "was and continues to be overwhelmed" by the breadth of its unsettled enforcement responsibilities, states have readily "stepped into the breach," according to Morrison Cohen LLP partner Jason Gottlieb.

When bitcoin's fitful popularity hit a fever pitch on Dec. 17, 2017, nearing \$20,000 in value only to drop by a third over the following week, it wasn't just adventurous investors who took notice.

"We saw the price of bitcoin skyrocket, and we know bad actors tend to get involved in these types of industries. They tend to follow the headlines and see what's trendy," Joe Rotunda, the Texas State Securities Board's enforcement director, told Law360. "So we decided to take a look."

Days after revving up a targeted cryptocurrency investigation, the Texas securities watchdog became the first state agency to take action against a cryptocurrency firm when it hit USI-Tech Ltd. with an emergency cease-and-desist order on Dec. 20, 2017, halting the Dubai-based company's unregistered offering of investments tied to bitcoin mining.

The first 30 days of the Texas agency's sweep saw more than 30 cases opened against cryptocurrency companies. None of the businesses were registered to sell securities, some of them concealed the identities of their principles and offices, and many of them made false promises about compliance with legal and licensing provisions, according to Rotunda.

"In other words, it was a considerable amount of fraudulent activity, and it turned out to just be the tip of the iceberg," he said.

With more enforcement actions to follow, including an emergency halt of operations that hastened the demise of U.K. cryptocurrency marketplace BitConnect, Texas quickly set the pace for other states to go after allegedly fraudulent investment schemes linked to initial coin offerings, or ICOs, and other cryptocurrency offerings.

Massachusetts officially entered the arena on Jan. 17, 2018, when, noting the "frenzied interest surrounding bitcoin," its secretary of the commonwealth filed an administrative complaint accusing a state resident and his Cayman Islands-based company Caviar of selling "Caviar tokens" as unregistered securities.

Regulators in New Jersey and South Carolina joined in soon after, with the Garden State halting the ICO of a company touting action movie star and "Zen master" Steven Seagal as its brand ambassador and the Palmetto State taking aim at a purported bitcoin mining company in Switzerland.

Those March 2018 actions came just as the SEC issued a warning that platforms trading digital currencies and conducting ICOs may fall outside of standard investor protections afforded by securities laws.

According to Gottlieb, who tracks cryptocurrency- and blockchain-related litigation in databases available on Morrison Cohen's website, the SEC has largely divided the ICO world into three categories of enforcement: outright frauds, legitimate businesses that host offerings by fraudulent means and legitimate businesses that aren't registered to sell the tokens they're offering.

With the federal agency spending so much time with the first two categories, Gottlieb said, it was the states that stepped up to tackle the third. Their focus on quelling unregistered ICOs, often before they occurred, bore out in the spring of 2018, with Massachusetts' securities regulator announcing it had ordered five area firms that use blockchain technology to immediately halt their planned ICOs and the Texas securities board filing a seventh action in its cryptocurrency crackdown.

"We were focused on stopping ongoing conduct," Rotunda said. "We were trying to stop these things before they got too big."

That mentality ultimately led to the North American Securities Administrators Association, where Rotunda is the vice chair of enforcement, to announce in May 2018 the largest coordinated series of

enforcement actions by state securities regulators in the U.S. and Canada to crack down on illicit ICOs and cryptocurrency-related investment products.

More than 40 jurisdictions in North America took part in "Operation Cryptosweep," which led to nearly 70 inquiries and investigations and 35 pending or completed enforcement actions in May 2018 alone.

Shortly after the operation was announced, the association found that state regulators had launched more than 200 investigations into suspect cryptocurrency offerings, Rotunda said. While Texas led the first quarter of 2018 in closing enforcement actions, Alabama concluded six of its own over the second and third quarters of the year, and in the latter half of 2018 Colorado finalized 10 and North Dakota finished off five, according to data tracked by Morrison Cohen.

Operation Cryptosweep, which has officially logged nearly 50 resolved enforcement actions in the past 12 months, sent a message to companies, their lawyers and their advisers that state regulators were paying close attention to ICOs. Rotunda thinks that message has been heard, given the relative slowdown in actions filed since the start of 2019.

Texas appears to be the only state to file an action against a crypto company this year, including its shutdown of FxBitGlobe in April, although Rotunda guesses that more actions are being carried out in other states but haven't been reported under the banner of Operation Cryptosweep, which only lists enforcement actions from 15 states.

Notably not among them is New York. But, according to Gottlieb, the Empire State is "a completely different case."

"They're going after some bigger game," he said, referring to the case against trading platform Bitfinex.

The New York attorney general obtained a court order in late April requiring Bitfinex owner-operator iFinex to halt any further "dissipation" of U.S. dollars used to back its cryptocurrency Tether, which claims to maintain 1-to-1 U.S. dollar reserves, and to comply with a subpoena served on the Hong Kong-based company last fall. James' office accused Bitfinex and Tether of having "defrauded New York investors" when the exchange dipped into \$700 million of Tether's reserves after \$850 million allegedly went missing.

Unlike other states, New York's infamous anti-fraud statute, the Martin Act, does not establish a state-level securities regulator and instead vests the state attorney general with the sole responsibility for its enforcement. That ostensibly makes the Bitfinex case the first crypto-linked enforcement action to play out in a state court rather than through an administrative proceeding or cease-and-desist order.

While this may be the first crypto-linked case the New York AG's office has filed, Alexander Drylewski of Skadden Arps Slate Meagher & Flom LLP said the regulator has been far from lax in its examination of the digital asset market. The office's Virtual Markets Industry Initiative, launched last year, sought information from 13 notable cryptocurrency exchanges, including Bitfinex, on their market manipulation prevention practices and found vulnerabilities across many platforms.

"[The New York AG's office] has certainly been busy on the investigative side of things," Drylewski told Law360. "It may simply be taking its time to gather all the relevant facts before deciding whether to file other suits, knowing that such suits would be public and highly visible."

With hundreds of millions of dollars at issue and Bitfinex and Tether's prominence in the digital asset marketplace, the New York AG's case against the foreign company will be closely watched by the investing and legal community.

"You would anticipate that a suit like [James'] is a prelude to a suit on the merits for securities fraud or other allegations they've already put into their petition for documents," Morrison Cohen's Gottlieb said.

As the New York AG's case continues to play out with resistance from iFinex, which denies the allegations and disputes the AG's jurisdiction, Rotunda says his office and other state regulators around the country will continue to hold themselves out as the "very first line of defense" against fraud in the cryptocurrency market.

"We're the ones acting as the law enforcement agencies conducting the investigations," Rotunda said. "We're talking with these victims. We're hearing their stories. We're getting their evidence, and we're pursuing actions to keep others from getting hurt."

<https://www.law360.com/newjersey/articles/1168612/states-stepped-into-the-breach-as-crypto-market-exploded>

## Climate Liability News: Exxon Continues to Fund 'Science' Group Steeped in Climate Denial and Delay

By Karen Savage

June 26, 2019

ExxonMobil is funding a little-known nonprofit that calls itself a "pro-science advocacy organization," but whose scientific advisory board includes several renowned climate deniers and has worked for decades to sow doubt about the health impacts of climate change.

Records show the ExxonMobil Foundation provided grants of at least \$60,000 in both 2017 and 2018 to the American Council on Science and Health (ACSH), a group that says its mission is to "publicly support evidence-based science and medicine."

Members of the ACSH scientific advisory board, however, include a who's who of climate deniers, including Patrick J. Michaels, who has worked for more than 30 years on behalf of the fossil fuel industry; S. Fred Singer, who last year wrote an article for the Wall Street Journal falsely claiming that sea level rise is not caused by climate change; and William Happer, a current member of President Trump's National Security Council who as recently as 2016 argued that carbon dioxide is not a pollutant.

Documents recently revealed in an investigation by The Guardian show ExxonMobil's current funding of the ACSH began prior to 1999, when Exxon and Mobil merged to become Exxon Mobil Corporation, one of the largest oil companies in the world.

"ACSH is a front group for libertarian billionaires, fossil fuel companies, and basically every other industry selling dangerous products," said Geoffrey Supran, a Harvard University researcher who in 2017 published a study that showed how Exxon's internal memos take the climate issue seriously while its public communications emphasize doubt about the science.



ACSH has also defended fracking as safe for the environment, denied the dangers of bisphenol-A (BPA) and opposed efforts to limit sugar in sodas, among other pro-industry stances.

Corporations fund nonprofits, think tanks and trade groups, many of which are “dark money” organizations that do not disclose their donors to the public, to further their interests without directly being tied to the groups’ work.

“This is just one more example of how these large corporations use third-party organizations to convey their message without being directly connected to them,” said Drexel University environmental sociologist Robert Brulle, who is now a visiting professor of environment and society at Brown University.

“It fits exactly with the kind of stuff ExxonMobil has done for years and years—this is exactly their strategy,” said Brulle, who has studied the funding patterns of organizations connected to climate denial. “The question is what is still going on and why does Exxon still have its connection to this group after all these years?”

In addition to its questionable science advisory board, the ACSH board of trustees includes Fred L. Smith, founder of the conservative think tank Competitive Enterprise Institute (CEI) and current director of CEI’s Center for Advancing Capitalism.

In a bit of irony, Exxon said in 2006 it would stop funding CEI (which it had given nearly \$2 million between 1998-2005) because of its work denying climate change, but it continued to fund ACSH at least through 2018, the last year for which data is available.

ExxonMobil’s current funding of ACSH is a continuation of a relationship that goes back decades.

Prior to merging in 1999, Exxon and Mobil both funded the ACSH, according to internal Mobil Foundation documents, which include a list of potential grant recipients as well as Mobil’s justification for the funding decision. They reveal that the Mobil Foundation provided at least \$125,000 in grants to the ACSH between 1981-93 and funding was expected to continue into 1994.

The Mobil Foundation recommended continuing to provide funding to the ACSH in part because “the Council has achieved high credibility and recognition in the media and scientific community, as evidenced by wide publication of their positions in the press and scientific journals.”

It’s unclear what the most recent ExxonMobil Foundation grants were used for, but Alex Berezow, vice president of scientific affairs for ACSH, said they weren’t designated for any specific research or project.

“Our policy for the past several years precludes us from doing specific research in exchange for corporate grants,” Berezow said.

Since its founding in 1978, the ACSH has worked to promote corporate positions on science, most often taking the position that chemicals are not a threat to humans or the environment.

“It’s a quintessential anti-science astroturf in the fossil fuel industry’s web of denial and delay—this is an organization founded by money from libertarian ideologues like the Scaifes, Olins, and Kochs,” Supran said. “Unsurprisingly therefore, ACSH’s rhetoric on the climate crisis since the 1990’s has masterfully complemented the talking points of its fossil fuel funders, including Exxon, Mobil, ExxonMobil, Chevron, Shell, and the American Petroleum Institute.”

Exxon, Mobil and “The Great Defender of Petrochemical Companies”

ACSH was founded in 1978 by Elizabeth Whelan, a public health scientist with postgraduate degrees from Yale and Harvard, who died in 2014. She wanted to counteract the work of environmental and consumer advocacy groups, which she said were not using sound science about the dangers of products to the environment and public health. “We help policymakers see past scaremongers and activist groups who have targeted GMOs, vaccines, conventional agriculture, nuclear power, natural gas, and ‘chemicals,’ while peddling health scares and fad diets,” the [ACSH website says](#).

It’s unknown whether Exxon and Mobil’s funding was used for a specific project or research, but the ACSH grant was recommended by Mobil’s public relations department, which said Whelan’s work was a major benefit to the company.

Whelan’s description of the ACSH was much more candid. In a 1992 memo, she referred to the organization as “the great defender of petrochemical companies.”

In a 1998 article titled, *Global Warming Not Health Threat*, Whelan wrote that climate science is “is rife with uncertainty as are the allegations for the health effects” and climate change models are “far from perfect.”

“As for the hypothetical health effects that are based on the alleged global warming, these predictions are even more dubious,” wrote Whelan, adding that limiting greenhouse gas emissions could worsen human health in developing countries.

Supran said ACSH vociferously promoted Mobil’s position that addressing climate change would result in severe adverse economic impacts and increase poverty.

“ACSH was and is a talking head, amplifying the fossil fuel industry’s narrative while maintaining the false pretense of an “independent” voice,” Supran said. “Their rhetoric faithfully echoed Mobil’s key themes of doubt: that global warming is not real and human-caused, not serious, and not solvable.”

ExxonMobil did not respond to a request for comment.

Wanted: Studies to “Put Climate Change Health Hazards in Perspective”

It was at the urging of Mobil that the Global Climate Coalition (GCC), a fossil fuel industry-backed group that worked from 1989 to 2002 to strategically undermine international climate negotiations, looked to the ACSH for help downplaying the potential health effects of climate change.

By the mid-1990’s, the GCC and its fossil fuel members, including many ACSH funders, had become concerned about the growing body of research suggesting climate change could cause serious health impacts.

Exxon scientists Dennis Devlin and Barry Friedlander presented a summary of published literature on the health impacts of climate change during a September 1996 meeting of the Global Climate Coalition’s Science and Technology Assessment Committee. The presentation emphasized “key knowledge gaps” and “advocated critical evaluation of models and ongoing studies to put climate change health hazards in perspective.”

After the presentation, the GCC meeting attendees discussed the findings and brainstormed “ways of encouraging a more balanced scientific evaluation of this concern.”

To provide that “balance,” Lenny Bernstein of Mobil suggested Whelan and the ACSH.

Bernstein told the group that Whelan was considering an “independent assessment on the climate change and health issue.” He also noted that many of the Global Climate Coalition’s member companies financially support the ACSH and urged them to contact her to suggest she write an assessment.

“The health issue is increasing in importance with the climate change issue, as with other environmental issues,” wrote the Global Climate Coalition in meeting minutes from January 1997. “The GCC has got to be prepared to respond to the issue this year.”

Disregarding the growing body of research indicating otherwise, the GCC in early 1997 wrote in a position paper that “attempting to link global climate change and adverse health impacts requires a long and very tenuous stretch.” The group downplayed the work of a 1995 report by the Intergovernmental Panel on Climate Change (IPCC)—an intergovernmental body of the United Nations that includes the world’s leading climate scientists—writing “concerns that climate change might be the cause of various health problems rests on a number of unproved assumptions.”

The Global Climate Coalition also provided the ACSH with a two-part grant to study the health effects of climate change.

The study, however, would be anything but independent.

By early summer 1997, the GCC had reviewed a draft of the report and suggested edits. The ACSH then began working on a rewritten draft to be reviewed by GCC committee members.

It’s unclear if that report was ever published, but later that year the ACSH published “Global climate change and human health.”

As the GCC had hoped, the report downplayed the views of mainstream science and said “implementation of current proposals for mitigation measures—measures to stabilize the concentration of greenhouse gases in the atmosphere—would be both costly and ineffective.”

Brulle said corporations and industry groups like the GCC use organizations like the ACSH to add a “veneer of legitimacy.”

“This really fits directly into this whole strategy of third party spokespersons, taking your point, but not attributing it to you, it’s attributed to an ‘independent’ organization,” Brulle said.

The ACSH report did not disclose its funders, but concluded that “policymakers can safely take several decades to plan a response, and scientists will have enough time to develop cost-effective anti-climate-change strategies.”

When asked if the published report was funded by the Global Climate Coalition or if another report was published, Berezow said he did not know.

“Anyone who would know the answer to that question is either deceased or retired,” he said.

ACSH Benefits to ExxonMobil: Denial and Delay

After years of scrutiny, ExxonMobil has stopped funding some of the more vocal climate deniers and organizations. In addition to dropping CEI, the oil giant has ended its membership in the American Legislative Exchange Council and has said it no longer funds the Cato Institute, the Heartland Institute and the Institute for Energy Research, all organizations that are heavily industry-influenced and have worked for years to deny climate change and delay the regulation of greenhouse gas emissions.

But ExxonMobil continues to fund the ACSH despite the organization's position that "climate change is a slow-moving threat whose consequences are in the medium- to long-term future, not the near-term."

"We typically only talk about climate change tangentially. For instance, we support Generation IV nuclear power because, among many other things, it helps reduce carbon emissions," Berezow said, adding that the organization's main focus is on biomedical science and public health.

Brulle said while using third-party spokespeople and groups like the ACSH isn't new, ExxonMobil's continued relationship is notable.

"I do find it a little surprising that ExxonMobil would be cozy enough to be directly connected to this group," Brulle said.

Supran said ACSH continues to be an excellent investment for ExxonMobil.

"In a 2016 ACSH article promoting the authority of discredited and debunked climate deniers and delayers, for instance, ExxonMobil's funding fingerprints are nowhere to be found," Supran said, referring to *Meet the Scientific Outcasts and Mavericks*, which was authored by Berezow.

In *Are The 'Green 20' Suppressing Scientific Dissent?*, posted in 2017, then-ACSH president Hank Campbell, critiqued the New York attorney general's office for its investigation of ExxonMobil for possibly deceiving its investors on the risks of climate change.

In another, *Al Gore: Still Demented After All These Years*, Berezow said in 2017 that the world's biggest health problem is poverty, not climate change. "When it comes to human disease, climate change is mostly a distraction. Eliminating poverty will do far more to save people's lives than lowering the temperature a notch," Berezow said.

Nowhere on the ACSH website is ExxonMobil's funding acknowledged.

"As it's grown more publicly untenable for companies themselves to publicly deny basic science, front groups like ACSH help do their dirty work," said Supran, adding that the ACSH is a prime example of how ExxonMobil's denial and delay continue through increasingly veiled initiatives.

"ACSH's faux-scientific calls for 'evidence-based science' and its fixation on false dichotomies between meaningful climate action on the one hand, and poverty reduction and economic growth on the other, align with, extend, and amplify ExxonMobil's own talking points," he said. "The rhetoric has shifted an inch, but it's just a rose by any other name—the goal is the same: inaction."

<https://www.climateliabilitynews.org/2019/06/26/exxon-climate-denial-american-council-science-health/>

Newsday: Shinnecock sovereignty challenged at site of electronic billboard  
By Vera Chinese

June 26, 2019 – 12:39 PM

New York State is challenging the Shinnecock Indian Nation's sovereignty on the site of a 61-foot-tall electronic billboard recently installed by the tribe south of Sunrise Highway, according to recent court filings in the state's ongoing lawsuit over the project.

An amended complaint filed electronically June 21 by a representative of state Attorney General Letitia James' office notes that the tribe's Westwoods site is made of three Hampton Bays properties west of the Shinnecock canal and that although it is owned by the tribe, it is not a part of the Southampton reservation.

"The Westwoods is separate and apart from the Shinnecock Indian Reservation," the complaint states. "The Westwoods is not aboriginal or sovereign lands."

Tribal council of trustees vice chairman Lance Gumbs declined to comment Tuesday on that argument. The tribe has repeatedly asserted it is immune to lawsuits and that it does not need the state's permission to move forward with the project.

The tribe contends the case should be dropped. Arguments are scheduled to be heard Thursday in state Supreme Court in Riverhead.

A June 10 filing by the tribe's lawyers in support of dismissing the case notes that "though Plaintiff has never taxed the lands in question and has treated them as Shinnecock Indian territory from time immemorial, it now seeks to colonize these woods in furtherance of the aesthetic desires of the Southampton elite."

The state Department of Transportation has alleged the Shinnecoeks did not obtain the proper approvals to perform the work within a state right of way and that the 61-foot-tall structures — one completed on the south side of Sunrise Highway and another under construction on the north — pose safety concerns for the more than 15,000 people who travel across the stretch every day.

"The state continues to pursue whatever actions are necessary to fulfill its obligation to uphold state and federal law," a DOT spokesman said Wednesday.

The state filed a lawsuit against the individual tribal council members and their contractor, Larry Clark, on May 24. State Supreme Court Justice Cheryl Joseph issued a restraining order barring the tribe from operating the signs while the case is pending, an order the Shinnecoeks have ignored. State lawyers have asked that the defendants be found in contempt of court and fined for disobeying the judge's mandate.

"Members of an Indian tribe acting outside of their reservation can evade state law no more than anyone else and the state may sue to enjoin them from continuing to flout the law," Assistant Attorney General Christopher Gatto wrote in the amended complaint.

Representatives from James' office did not respond to a request for comment.

The tribe says the billboards, which it calls monuments, are a needed economic development project.

In an affidavit filed June 6, Clark said negative attention generated by the state's case and pushback from Southampton Town officials have made the sites less desirable to advertisers. He said his firm has

already invested \$2 million in the project, which he fears it will not be able to recoup because interested advertisers have dropped from 15 to two.

“Those who would have partnered with our company will look elsewhere to find a partner,” the affidavit states.

Clark declined to comment.

<https://www.newsday.com/long-island/suffolk/shinnecock-electronic-billboard-1.33001433>

## Real Estate Weekly: Toledano vows to rebuild after settling tenant harassment charges

By Sabina Mollot

June 26, 2019

East Village landlord Raphael Toledano is looking forward to rebuilding his real estate career after being slapped with a \$3 million compensation order for trying to harass tenants out of their rent regulated apartments.

“Mr. Toledano looks forward to working carefully in the future and has the potential to be one of the most successful young real estate entrepreneurs in the city now that these issues have been resolved,” said Toledano’s attorney, Ben Brafman, of Brafman & Associates, P.C.

Brafman, whose celebrity clients include Harvey Weinstein and Sean Combs, added “We are both very pleased that today’s settlement with the attorney general resolves all legal matters.”

Attorney General Letitia James last week ordered the principal of Brookhill Properties to work under the supervision of an independent monitor or risk a lifetime ban from the business as part of a settlement over a slew of charges brought by the state’s Tenant Protection Unit (TPU).

The TPU began investigating the 30-year-old investor following complaints from rent regulated tenants about lack of utilities, illegal construction, coercive buyouts and veiled immigration threats.

“This investigation identified a consistent pattern of illegal conduct, including fraud and tenant harassment, in Toledano’s real estate business,” said the AG.

As far back as 2014 when Toledano began amassing his real estate portfolio, the investigators found that he was engaged in deceptive business practices, misrepresenting himself as a lawyer and advertising apartments with three or four bedrooms, when legally the apartment could only have one or two bedrooms.

He also misrepresented himself as being affiliated with well-known developers when contacting sellers of properties he wanted to flip.

According to the complaint, Toledano sold the contract rights to purchase 222 East 27th Street to Madison Realty Capital, a private equity firm that both acquired rent regulated buildings and lent to purchasers of rent-regulated buildings. Madison later became Toledano’s largest mortgage lender. Starting on or around March 2014, Toledano began representing himself to property owners as an attorney for Josh Zegen, one of Madison’s co-founders, soliciting real estate deals on Zegen’s behalf.

At one 13th Street building, tenants were approached with buyout offers from a “tenant relocater” who asked for proof of their immigration status.

And at an East 12th Street property, there was no cooking gas for a year.

Jim Markowich, a former tenant at an East 5th Street building owned by Toledano, said, “We feel that he consciously and strategically tried to make our lives as his tenants unnecessarily upsetting and difficult. For example, there was sudden, unannounced, slap-dash demolition work that released elevated levels of lead dust into buildings where toddlers were living.”

Between 2014 and 2016, Toledano acquired a portfolio of 29 buildings in the East Village, but by April, 2017, all were the subject of bankruptcy and foreclosure proceedings or sold off after Madison Realty Capital began foreclosing on its loans.

Even then, the AG said Toledano took security deposits from would-be market-rate tenants that he never returned.

The settlement was reached on June 19, days after the state enacted tough new rent regulations which James noted were enacted to protect tenants from predators such as Toledano.

“Putting profits over people is unacceptable, and my office will hold any landlord accountable who violates the law to increase their bottom line,” said James.

“Under no circumstance should tenants be subjected to the harassment perpetrated by landlords like Raphael Toledano.”

Two companies also affiliated with Toledano, Adele Realty and Regal Property Group were also named in the settlement.

<https://rew-online.com/2019/06/toledano-vows-to-rebuild-after-settling-tenant-harassment-charges/>

Buffalo Law Journal: Legislative Session Made ‘historic progress’, Cuomo Says  
By Patrick Connelly

June 26, 2019 – 12:57 PM

<https://www.bizjournals.com/buffalo/news/2019/06/26/legislative-session-made-historic-progress-cuomo.html>

JD Supra: Cognitive Claims Draw FTC’s Focus  
June 26, 2019

The promise of improved cognitive capability or memory appeals to almost everyone. So it’s no surprise that the market for such enhancements is broad, ranging from “brain training” apps for your phone to dietary supplements promising memory boosts.

Manufacturers of these products should be aware, however, that “cognitive performance” claims of this sort have attracted the attention of the Federal Trade Commission (“FTC”) and various state Attorneys General in recent years. For example, in 2016, the FTC filed a complaint in the Northern District of



California against Lumos Labs, makers of the popular personalized “brain-training-program” Luminosity – a series of games and puzzles played online or through a phone app. *See FTC v. Lumos Labs, Inc.*, No. 16-cv-00001 (Dkt. 1) (N.D. Cal. Jan. 4, 2016). The FTC [alleged](#) that the company (and its co-founders) had violated the FTC Act by making unfounded claims that the program could help its users improve performance on everyday tasks; delay age-related mental decline; and reduce cognitive impairment associated with certain health conditions, such as stroke and PTSD.

The case settled quickly. The [stipulated court order](#), *inter alia*, required the company to possess competent and reliable scientific evidence to substantiate its cognitive-related claims, consisting of “human clinical testing” of the product “that is sufficient in quality and quantity, based on standards generally accepted by experts in the relevant field, when considered in light of the entire body of relevant and reliable scientific evidence, to substantiate that the representation is true.” Order at 6. Under the settlement, Lumos Labs also had to pay \$2 million in redress and notify certain subscribers of the action, providing them with a way to cancel their Luminosity subscriptions. *Id.* at 9-12.

On the supplements side, the FTC has sought relief against a number of companies making promises of increased cognitive capabilities by way of pills.<sup>[1]</sup> One case that reemerged recently: *FTC v. Quincy Bioscience Holding Co.*, 272 F. Supp. 3d 547 (S.D.N.Y. 2017). Back in 2017, the FTC and the New York Attorney General sought relief against the developers of a dietary supplement known as Prevagen. The makers of Prevagen make advertising claims (1) that Prevagen improves memory and provides other cognitive benefits; (2) that the effects are clinically proven; and (3) that Prevagen’s active ingredient “supplements” brain proteins that are otherwise lost with age. Though the complaint was originally dismissed by the trial court, in a summary order, the Second Circuit Court of Appeals recently vacated that judgment and remanded the case to the district court. *See FTC v. Quincy Bioscience Holding Co.*, 753 F. App’x 87, 87 (2d Cir. 2019). The Appeals Court found that the FTC plausibly claimed that defendants’ representations about Prevagen were contradicted by the results of its clinical trial and, moreover, that claims about Prevagen’s active ingredient (apoeaquorin) “enter[ing] the human brain” to supplement proteins lost with age were false. *Id.* at 89-90. What will happen at the trial court level remains to be seen.<sup>[2]</sup>

***A few lessons that manufacturers should themselves not forget about advertising the memory- and cognitive-benefits of products:***

***Reliable Scientific Evidence, On-Hand***

Many of the FTC’s complaints center upon whether companies developing and advertising these products—phone apps, supplements, or otherwise—possess the clinical data to back up the cognitive claims they promote. This dovetails with an [earlier post](#) on the Misbranded blog, discussing the distinction between, on the one hand, regulators “who have the power to demand affirmative substantiation from advertisers when consistent with the public interest,” and, on the other, private parties who have to plead and prove the falsity of the defendant’s statements.

Given the FTC’s authority and recent interest in claims about memory aids, companies are wise to have clinical data in place, and readily accessible, to support all advertising claims that a given product “is proven” to result in certain outcomes. *See FTC v. Global Comm. Innovations LLC*, 19-cv-0078 (Dkt. 1) (N.D. Oh. April 10, 2019) (recent FTC [Complaint](#): “[C]linical tests do not prove that the Geniux Products:

increase concentration, including by 32% or 312%; boost brain power, including by up to 89.2%; or enhance memory recall.”).<sup>[3]</sup>

### ***Ingredients Matter***

In both the memory-based products world and beyond, courts have suggested that merely highlighting the presence of an ingredient—when such ingredients are “perceived” to have particular health benefits—can sometimes be seen as advertising those associated benefits. Setting aside the soundness of this legal theory, in addition to assuring the underlying data substantiates the proffered cognitive performance claims, companies should be mindful of/aware about the potential pitfalls of highlighting the presence of ingredients that they know to be associated in consumers’ minds with cognitive and health benefits.

<sup>[1]</sup> Dietary supplements are regulated by the FDA under a different set of regulations than those covering most food and drug products. See FDA, *Dietary Supplements*, <https://www.fda.gov/food/dietary-supplements> (last visited June 25, 2019).

<sup>[2]</sup> The appellate court noted that the defendant-appellees had “raised several grounds for affirmance that the district court did not consider,” with the appellate court expressing “no opinion on [those] arguments.” *Id.* at 89.

<sup>[3]</sup> See also *Geniux Dietary Supplement Sellers Barred from Unsupported Cognitive Improvement Claims*, <https://www.ftc.gov/news-events/press-releases/2019/04/geniux-dietary-supplement-sellers-barred-unsupported-cognitive> (discussing settlement) (last visited June 25, 2019).  
<https://www.jdsupra.com/legalnews/cognitive-claims-draw-ftc-s-focus-44698/>

New York Law Journal: New President of NY Trial Lawyers Association Calls Wrongful Death Statute Antiquated

By Susan DeSantis

June 26, 2019 – 3:08 PM

While this year was a major success in making for-hire limos and large capacity vehicles safer, drastically inadequate insurance limits for regular cars continue to put every driver, passenger, pedestrian and bicyclist on the road at risk.

*New York Attorney General Letitia James (right) swears in Michele S. Mirman as president of the New York State Trial Lawyers Association on June 20. (Courtesy photo: NYSTLA)*

Michele S. Mirman, a partner at Mirman Markovits & Landau, became the president of the New York State Trial Lawyers Association this month. Her practice focuses on personal injury and wrongful death cases including medical malpractice, assault and injuries from defective machinery and equipment.

On the occasion of her swearing-in, she answered these questions from the New York Law Journal.

**Given your background in personal injury law, are there reforms or changes at the state level related to this practice area that the NYSTLA should address?**

New York's antiquated wrongful death statute must be modernized to ensure broader access to justice and greater accountability for negligent parties, regardless of economic status. The current statute, which has not been updated since its enactment in 1847, limits potential damages to the deceased's earning power, with no regard for the family's pain and suffering.

In many cases, this restriction denies justice to the surviving family members despite the tragic loss of life that has occurred. Under the existing law, the lives of New York's children, retirees, disabled individuals and stay-at-home parents are classified as worthless, and bad actors can escape scrutiny. In response to the legal inequities created by the law's shortcomings, organizations like Make the Road, New York Immigration Coalition and New York Communities for Change have advocated for reforms to expand access to civil justice. The time to update New York's wrongful death statute is long overdue.

It is also critically important that we address the continued barriers to justice for victims of auto incidents. While this year was a major success in making for-hire limos and large capacity vehicles safer, drastically inadequate insurance limits for regular cars continue to put every driver, passenger, pedestrian and bicyclist on the road at risk. As a result of New York requiring only \$25,000 in minimum auto insurance coverage, countless New Yorkers who have done nothing wrong are forced to contend with exorbitant medical costs, on top of permanent, disabling injuries, too often leading to financial ruin. The minimum insurance requirements in New York are often insufficient to provide redress for an accident victim, and this is the reason that SUM insurance is critically important.

#### **What do you see as the biggest opportunities on the horizon for the trial lawyers' bar?**

In the last year, the federal court system has consistently ruled against the interests of our nation's patients, consumers and workers. Efforts to fight back and level the playing field have brought greater attention to longstanding inequities in New York law that prevent victims from accessing the courthouse. There is an appetite for reform and action that will continue to produce meaningful improvements to New York's civil justice system.

There is also a continued opportunity to provide attorneys with the educational tools and support they need to be effective advocates. The state now requires that attorneys earn at least one CLE credit each year in diversity and implicit bias training, and NYSTLA is proud to actively offer these courses to the legal community. Broadly speaking, our CLE courses provide unmatched expertise and instruction from current and former judges, recognized litigation experts and leading trial attorneys. The Law Journal's readers have consistently ranked NYSTLA as the state's best CLE provider, and we hope to continue that success over the next year.

#### **How about the plaintiffs' bar, specifically?**

In recent years, we've secured crucial victories on behalf of consumers, patients and workers. NYSTLA helped support the enactment of Lavern's Law, which protected the legal rights of cancer patients harmed by medical malpractice. We also successfully advocated for expanded access to auto insurance to protect consumers from uninsured and underinsured drivers, as well as the Child Victims Act, which restored avenues to justice for countless individuals who endured sexual abuse in their childhoods. NYSTLA also helped establish the strongest framework for Uber and Lyft regulations in the country, which serve as a model for effective and responsible consumer safeguards that the rest of the nation can follow. Most recently, we supported efforts to improve safety and modernize insurance

requirements for limos and for-hire vehicles after the devastating crash in Schoharie County in 2018. We also stood behind enacted legislation that allows evidence from satellite-mapping services, such as Google Maps, to be admitted into evidence at trial without requiring burdensome expert witness testimony.

These are all major wins that have promoted greater access to civil justice for everyday people and produced a more equitable legal environment. But there is much more work to be done. Wrongful death reform has gained momentum as more New Yorkers and elected leaders have become aware of the statute's unreasonably cruel limitations. This past session, 34 senators and 55 assembly members co-sponsored legislation to reform wrongful death, and we will continue our efforts on the front lines of this issue.

**What is your view on the climate of worker safety in New York? What more needs to be done to protect workers on the job, including construction workers, in light of several recent deaths?**

We need stronger legal protections and enforcement to improve worker safety, particularly when it comes to construction workers. The string of tragic deaths that took place earlier this year highlights the ongoing construction safety crisis and need for legislative action.

Lawmakers can encourage more rigorous adherence to safety standards by passing Carlos' Law, which has previously passed in the state Assembly, to increase the maximum fines that can be imposed for violations. Expanded criminal prosecutions for the most egregious cases of negligence would also promote greater safety on worksites.

Additionally, the implementation of training, certification and insurance requirements statewide can further promote worksite safety. Greater funding and staffing for site inspections is also necessary to ensure that instances of negligence are discovered before a tragedy takes place.

The construction industry has done everything in its power to curtail existing labor protections and derail additional safety measures, leading to countless injuries and deaths. Lawmakers must listen to our colleagues in the labor movement, such as the Building and Construction Trades Council and AFL-CIO, and take action to preserve and expand safety protections in order to save lives and keep our workers safe.

<https://www.law.com/newyorklawjournal/2019/06/26/new-president-of-ny-trial-lawyers-association-calls-wrongful-death-statute-antiquated/>

## National

New York Times: Senate Approves \$4.6 Billion for Border with Fewer Restrictions

By Emily Cochrane

June 26, 2019

WASHINGTON — The Senate on Wednesday approved \$4.6 billion in emergency humanitarian aid for the southwestern border, rejecting [House legislation](#) approved Tuesday that sought to rein in President

Trump's immigration crackdown by setting significant rules on how the money could be spent at squalid detention facilities.

Speaker Nancy Pelosi of California rejected the Senate's bill even before the vote was taken, setting up a clash over immigration policy just days before Congress leaves Washington for a weeklong July 4 recess. Ms. Pelosi called President Trump to discuss how to reconcile the dueling measures in a 15-minute phone call early Wednesday afternoon.

"They pass their bill, we respect that," she said. "We passed our bill, we hope they would respect that. And there are some improvements that we think can be reconciled."

The margin of the Senate vote, 84-8, underscored Senate Republican contentions that only their bill stands a chance of obtaining the president's signature.

"The House has not made much progress toward actually making a law, just more resistance theater," Senator Mitch McConnell of Kentucky, the majority leader, said on the Senate floor Wednesday morning. "The Senate has a better and more bipartisan way forward."

"It's a productive compromise that would go a long way to begin to address the border crisis," Mr. McConnell added. "no poison pills, just a clean bill."

Mr. Trump on Wednesday morning voiced his displeasure with the House bill, saying on Fox Business Network that he was "not happy with it because there is no money for protection."

To make their point, Republican Senate leaders put the House's \$4.5 billion bill to a test vote; it failed, 37-55, with three Democrats voting against the measure. Seven Democrats, all presidential candidates, were not present ahead of the first Democratic debate in Miami Wednesday night.

But Senator Chuck Schumer of New York, the Senate Democratic leader, suggested a few changes to the Senate bill could win support among House Democratic leaders in time for quick final passage.

The Senate legislation would allocate about \$1.3 billion to improve facilities at the border and \$2.9 billion for the care of migrant children. The measure prohibits the Department of Homeland Security from adding more beds at detention centers or migrant processing facilities, ostensibly to slow the immigration crackdown. The Senate would require the department to allow congressional visits to facilities housing unaccompanied children with two days' notice.

But House Democrats say that the bill does too little to ensure that conditions improve at detention facilities or at centers caring for children that are run by government contractors. The House bill would allow for congressional visits to facilities without any advance notice. It includes language that would require Customs and Border Protection to establish plans and protocols to deliver medical care, improve nutrition and hygiene, and train personnel to ensure the health and safety of children and adults in custody.

Another provision would ask the secretary of health and human services to specify which requirements are being temporarily waived to deal with a sudden influx of migrants. That amendment would limit the detention-center stay of any unaccompanied child to 90 days unless written notification is submitted to Congress attesting that no other facilities are available.

Democrats also attached requirements for translators at Customs and Border Protection, Immigration and Customs Enforcement, and United States Citizenship and Immigration Services.

Administration officials have warned Congress that they will run out of funds to house and care for migrants at the end of the month. Accounts of horrific conditions facing unaccompanied migrant children, as well as a wrenching photo of a drowned father and daughter [trying to seek asylum](#), have inflamed the urgency surrounding passage of the emergency aid but also the resolve of Democrats pushing for tougher oversight on the administration and its facilities.

“While I pray that the funding Congress has approved makes it to its intended purpose, the best predictor of the future is the past,” Representative Ayanna S. Pressley, Democrat of Massachusetts and one of four Democrats to vote against the House measure, [wrote in a Medium post explaining her vote](#). The administration’s immigration enforcement agencies, she wrote, “have a track record of promoting a deep culture of corruption and abuse.”

Republican senators remain adamant that the emergency aid, widely seen as a temporary response to a more complex immigration crisis, needs to be stripped of immigration policymaking.

“Our goal is to get a good bill, keep it clean as we can and try to have the president on board,” said Senator Richard C. Shelby of Alabama, the top Republican on the Senate Appropriations Committee. “If it’s loaded up with a bunch of House amendments, he will not sign it.”

Even as they promoted their bill, Ms. Pelosi and Representative Steny H. Hoyer of Maryland, the majority leader, acknowledged publicly and privately that the Senate bill was not necessarily an untenable vote in their chamber.

“The Senate has a good bill,” Ms. Pelosi told her caucus during a closed-door meeting on Wednesday, according to a senior Democratic aide unauthorized to discuss the private meeting. “Our bill is much better.”

Senator Chuck Schumer of New York, the Senate minority leader, noted in floor remarks that while the House version “is a much better bill than the Senate version,” the broad bipartisan support in a Senate committee vote last week indicates that “there is room for compromise to get something done here.”

The House measure includes additional oversight provisions that outline a time frame for the release of children from the facilities, as well as health and safety standards and requirements for children and adults held by the government.

<https://www.nytimes.com/2019/06/26/us/politics/child-migrants-senate.html?action=click&module=Top%20Stories&pgtype=Homepage>

## State

Times Union: Are NY’s Mental Health Housing Programs at Risk?

By Bethany Bump

June 26, 2019 – 8:21 PM

ALBANY — New York lawmakers unanimously passed a bill last week that would force a commission to investigate what advocates say are "ongoing, debilitating" funding shortfalls across the state's mental health housing programs.

The bill, sponsored by Democrats Sen. David Carlucci and Assemblywoman Aileen Gunther, would establish a temporary commission to assess the issue, and make funding recommendations that could be considered in the context of next year's state budget.

"This bill is about correcting a wrong that has persisted for years, in spite of ongoing warnings from advocates that we are fomenting a crisis by failing to act," said Carlucci, chair of the Senate's mental health and developmental disabilities committee.

New York's Office of Mental Health contracts with local governments and nonprofits to provide approximately 40,000 units of supportive housing statewide to adults with severe psychiatric disabilities. In addition to stable housing, the programs also provide assistance with health care, medication management, mental health services, employment support and addiction treatment.

Advocates say that nearly 20 years of inadequate funding has put these programs — which were designed to keep individuals out of far more expensive institutions, hospitals, jails and shelters — in jeopardy of collapse.

Rents and administrative costs have risen significantly, they say, while program funding for salaries, overhead, rental stipends and other services has not. They calculate that, depending on program type, anywhere from 40 to 70 percent of funding has been lost to inflation in the last two decades.

"We just don't have enough staff to do everything we're required to do under OMH requirements," said Antonia Lasicki, executive director of the Association for Community Living, a membership organization of nonprofit agencies that provide supportive housing services.

As a result, she said, a single staff member may wind up caring for a caseload of well over 20 residents at a time. For residents with severe psychiatric disabilities, she said, staff duties may entail managing "every single pill" a resident takes, providing meals, cleaning up, teaching life skills and developing rehabilitation plans.

The legislation calls for nine members to be appointed to a commission, which would make recommendations regarding adequate funding levels, adequate direct care staff, the need for more professional employees on staff, and the ability of current programs to meet resident needs.

It was introduced in the weeks after a deal was reached on the 2019-2020 state budget, which allocated an additional \$10 million for the system.

"That didn't even cover the fair market increases to rent," Lasicki said. "We were already woefully behind and we just get further behind every year."

Somewhere in the arena of \$170 million is what's actually needed to bring the programs up to snuff, she said — a figure that is close to the \$160 million free tuition program Gov. Andrew Cuomo once called a "rounding error" in the state education budget.

"This isn't as sexy, but it would do a world of good," she said.



Lasicki is a member of **Bring It Home**, a coalition that formed in 2017 to advocate on the issue and that includes providers, mental health advocates, patients and families.

The coalition is urging Cuomo to sign the bill immediately so that the commission can compile a report in time to guide the 2020-21 budget process.

<https://www.timesunion.com/news/article/Are-New-York-s-mental-health-housing-programs-at-14052621.php>

## Local

New York Times: 2,500 Reports of Police Bias. Not One Was Deemed Valid by the NYPD.

By Ali Watkins

June 26, 2019

A city watchdog found that complaints were not taken seriously, and recommended expanding the definition of bias to include racial, ethnic and L.G.B.T.Q. slurs.

About 2,500 people have lodged formal complaints in the last four and a half years with the New York Police Department, reporting that officers acted with bias toward them.

Not a single allegation has been substantiated by the Police Department.

In a [report issued on Wednesday](#), a city watchdog agency found the investigations of these complaints against the police lacking, and recommended changes to how the department classifies and handles bias allegations.

Often, allegations were listed as unsubstantiated or unfounded, and closed, according to the report by the city's Department of Investigation.

In some cases officers misclassified complaints or failed to interview people involved. The report also concluded that police officials did not take bias allegations as seriously as they do other kinds of police misconduct.

"Establishing effective and fair processes for the investigation of biased policing allegations is a fundamental component of the Police Department's relationship with the public, helping to build trust and confidence," Margaret Garnett, the D.O.I. commissioner, said in a statement.

In 2014, the Police Department created a way for residents to report incidents of bias by officers as a separate class of complaints and started investigating them.

At the time, senior commanders were wrestling with the fallout over the department's "stop-and-frisk" policy, under which thousands of mostly black and Hispanic men were searched on what a federal judge determined were questionable constitutional grounds.

The intent was to give city residents a direct way to make complaints to the police about sensitive issues like racial profiling or the role of prejudice in arrest decisions. In the five years since the program was unveiled, 2,495 complaints have poured in for the department to investigate.

But in the report, Philip K. Eure, the city's inspector general for the Police Department, recommended an overhaul of how the police investigate bias complaints, including better training for officers and more transparency about the allegations. The department currently offers no public accounting of bias incidents or complaints.

The police should also redefine what is considered a bias incident, the report said. Under current department policy, the report said, use of racial, ethnic or L.G.B.T.Q.-based slurs is not considered evidence of bias.

Mr. Eure also recommended the department require officers to report incidents of bias if they see their colleagues act in prejudiced ways.

Allegations of police bias are investigated by the department's Internal Affairs Bureau, and complaints received by the department's Civilian Complaint Review Board are referred to that office.

The inspector general reviewed 888 bias incidents investigated by the Internal Affairs Bureau and found that 68 percent accused the police of racial bias.

In several incidents, the report said, investigating officers failed to pursue the case properly or filed it incorrectly, which hindered the case from being handled appropriately.

Often, the report said, officers cited guilty pleas or convictions as evidence that the bias claims were unfounded and simply closed the case.

In one complaint, a woman reported that her husband, who is black, was targeted by officers because of his race. The officers boxed in her husband's car and said his disability placard seemed invalid because he "looked fine," the report said. The woman said officers then cited her husband for littering after they spotted a discarded cigarette on the sidewalk.

Another woman reported that her son was arrested and taken to the police station, where an officer was heard saying, "You know what I do with Gypsies? I put all Gypsies in jail."

Proving that such claims stem from bias is difficult, the inspector general acknowledged, because investigators must demonstrate the officer's motive was linked to prejudice.

Still, the report concluded there is significant room for improvement in the department's methods.

Most critically, the report found, the department does not consider slurs or offensive language to be evidence of "biased policing." Such incidents are only investigated if the slur is accompanied by another action, like an arrest, use of force or refusing to take a complaint.

The report also recommended that the police grant the civilian complaint board the authority to investigate bias complaints that it receives, instead of sending the cases to internal affairs investigators.

The department acknowledged in a statement that it could improve, but pointed out that the [number of bias incidents](#) being reported by civilians had decreased by a third in the first five months of the year,

compared to the same period last year. It also noted that the inspector general had not identified any cases where a complaint should have been substantiated.

“Even with the positive changes already made, and the full context of this report, the N.Y.P.D. knows there is more to do,” the Police Department said in a statement.

<https://www.nytimes.com/2019/06/26/nyregion/nypd-bias.html>

## New York Post: Asian Parents Call for Schools Chancellor Richard Carranza’s Firing

By Selim Algar

June 26, 2019 – 8:33 PM

Branding him a “dangerous” [anti-Asian racist](#), a group of some 80 protesters gathered Wednesday outside the Department of Education headquarters in Manhattan to call for Schools Chancellor Richard Carranza’s ouster.

Chanting, marching and waving signs, the mostly Asian-American parents accused Carranza of pushing diversification plans that would reduce the number of their kids at top city schools.

“These parents are very very angry,” said organizer Linda Lam. “They are here today to fight for the rights of our kids, for them not to be discriminated against because of their ethnicity or their race.”

“Along with Mayor de Blasio, Carranza [wants to remake admissions](#) to the city’s eight specialized high schools.

The DOE has acknowledged that the plan would cull Asian enrollment — currently about 60 percent — by half.

“We have heard very little from him about educating our children,” the group said in a statement Wednesday. “What we have heard from him is plenty about his obsession with so-called ‘equity’ and ad nauseum proselytizing on race. Instead of attempting to devise strategies to improve education, he has instead taken every opportunity to push racial division.

“He has pushed policies and rhetoric which are harmful and demeaning to Asians,” the statement said.

Proponents of City Hall’s plan argue that the current single-test admission system is an arbitrarily narrow measure of talent that has artificially suppressed black and Latino enrollment.

The test, they contend, favors kids with the time and resources for thorough preparation. Carranza has flatly called the 1971 law that enacted the single-test system “racist.”

City Hall’s plan would instead use multiple measures of assessment and guarantee spots for top finishers at all middle schools.

Carranza, who was touring schools Wednesday on the last day of classes, has not backed down from his platform in recent weeks and has redoubled his promise to pursue “equity” as long as he remains chancellor.

Carranza has argued that black and Latino kids are unfairly barricaded from quality educations by forces beyond their control — and that it’s his mission to remove those cordons.

He has responded to the allegations by saying he was targeted for criticism because he is a “man of color.” De Blasio has defended his chancellor, who started the job in April 2018.

Lam rejects the notion that there is anti-Hispanic bias at play. “That has nothing to do with it. We have had Hispanic and black chancellors before and we had no problem with them. That’s because they were focused on education, not just race.

“There are parents all over this city who are concerned that the schools under this chancellor are so focused on race instead of just giving kids a good education. They are worried if they can stay in this city and know that their kids won’t be discriminated against.”

Backers of the current specialized high school admissions structure say the exam rewards raw diligence and has created schools that are considered among the nation’s best.

They also note that many Asians kids who earn spots at the specialized schools have poor-immigrant origins.

Despite 11th-hour Albany lobbying by Carranza last week, City Hall’s proposal failed to gain traction among state lawmakers this session.

Several of the protesters said Carranza and de Blasio had mistakenly calculated that Asian American — long considered politically quiescent — would remain so.

By creating an atmosphere where “ethnicity is everything,” the group argued, Carranza has attempted to “cover up his failing schools.”

Another parent complained that top DOE administrators and executives send their own kids to academically screened and sorted schools while denouncing those systems in public.

“New York is a multicultural city,’ the group said. “We need a unifying educator, not a divisive, race-obsessed chancellor.”

<https://nypost.com/2019/06/26/asian-parents-call-for-schools-chancellor-richard-carranzas-firing/>

New York Daily News: Airport Workers Employed by Eulen American Plan Strike at JFK, Three Other Airports Over Company’s Labor Practices

By John Annese

June 27, 2019

Airport workers for a private contractor plan to walk off their jobs at JFK and three other busy airports Thursday in a four-city action over what they say are unfair company labor practices, coordinating the strike with day two of the debate among Democratic 2020 presidential hopefuls in Miami.

The workers include baggage handlers, cabin cleaners and wheelchair attendants employed by Eulen America, a private contractor used by American Airlines and Delta, the Service Employees International Union Local 32BJ said.

Workers plan to strike at JFK, Miami International, Fort Lauderdale and Reagan National Airport at 10 a.m. Thursday, according to the union. They plan to hold a rally at noon at JFK Airport Terminal 8

Arrivals in Queens, joined by state Sen. Kevin Thomas, and to walk a picket line at 4:30 p.m. alongside City Council member Donovan Richards.

The union said in a statement that the workers want to call attention to what they say are poor working conditions and unfair practices by the Spanish-owned contractor, including what it characterized as wage theft violations and a March demand by the company for its workers at JFK to use all the paid sick time they accrued in 2018, or lose it.

Other issues include providing legally required laundry allowances, health and safety problems and allegations of retaliation, the union said, adding that the company's workforce is almost exclusively immigrant.

In May, Eulen America workers staged a protest in New York City on the steps of City Hall over the company's paid sick-leave policy.

Rep. Donna Shalala and Rep. Frederica Wilson of Florida held a round table discussion in April with Eulen workers after a CBS Miami report about their conditions at Miami International Airport. The CBS report showed vehicles and cabin cleaning trucks with busted seat belts, faulty brakes, no mirrors, roach infestations and doors that didn't close.

Employee pay started at \$9.48 an hour, with hours often limited to 30 or less a week, CBS reported. One worker complained of being forced to go five and a half hours on the hot tarmac without a break, and without easy access to water. One cabin cleaner complained of having to wipe up blood and vomit on passengers' blankets.

Eulen denied the allegations in the CBS report, and claimed they were made by a few disgruntled workers buoyed by a union.

<https://www.nydailynews.com/new-york/ny-airport-workers-eulen-america-strike-planned-jfk-other-airports-20190627-jwxume5sqreptpv65qa7gdarzy-story.html>

## New York Times: How Subway Delays and the Homeless Crisis are Intertwined

By Winnie Hu

June 26, 2019

After years of decline, New York's subway is showing signs of improvement, with the percentage of trains running on time creeping upward.

But at least one area is getting worse: disruptions involving homeless people.

Trains were delayed 659 times last year by homeless people walking on tracks, blocking train doors and engaging in other unruly behavior — a 54 percent increase from the 428 such delays in 2014, according to the Metropolitan Transportation Authority, which runs the subway.

And the disruptions have continued to escalate this year, with 313 train delays in the first three months.

"It's a real challenge, and a growing challenge, and that's consistent with the broader challenge in the city," said Andy Byford, the official who oversees the subway. "We're just not equipped to deal with this on our own."

Though the subway has long been a refuge for those with nowhere to go, transit officials and riders said they were seeing more homeless people on the subway as the city struggled to address an intractable homeless crisis.

New York has opened 23 new homeless shelters since 2017 and has 20 more in development. It has poured more than \$80 million since 2014 into new centers, outreach programs and specialized services specifically aimed at homeless people on the street, including the creation of a database that helps outreach workers identify and track individuals by name.

It has also taken more punitive steps. Police officers have handed out a flurry of civil summonses to try to clamp down on disruptive behavior on the subway. Currently, between 1,600 to 1,800 summonses per week are issued for prohibited transit conduct — including jumping turnstiles, stretching out in subway cars and on platforms, smoking and drinking alcohol — which is about 16 percent more than in 2016, according to police officials.

But it has not been enough. Earlier this year, Mayor Bill de Blasio [vowed to crack down](#) on homeless people camped out in the subways. About 58,000 people live in city shelters and an additional 3,800 are on the streets and in the subway.

Now, city and transit officials are ratcheting up their efforts with a new program aimed at persuading homeless people to leave the subway by offering to waive a civil summons if they agree to go with outreach workers who can offer a variety of services, such as a bed in a shelter or medical treatment.

Summonses carry a fine varying [from \\$25 to \\$100](#), including \$100 for fare evasion, \$75 for moving between subway cars and \$50 for obstructing seats.

“This is a way to help people who are getting caught up in our system and give them another option,” said Edward Delatorre, the transit chief for the Police Department.

Targeting homeless people on the subway with summonses has been criticized by advocates for the homeless and others as a wrongheaded approach that punishes people for having no home, adds to their burden by imposing fines they cannot afford to pay and entangles them in a legal system they are ill equipped to navigate.

But advocates also questioned the city’s new approach, saying it was merely repackaging aid that is already available to homeless people.

Giselle Routhier, policy director for the Coalition for the Homeless, an advocacy group, called the effort “window dressing.”

“It adds a level of bureaucracy without adding the resources that are needed to actually help people get off the streets,” she said, adding the city should be building far more permanent, affordable housing, and moving faster to create housing and support services for those with mental illnesses.

Homeless people have reasons for avoiding shelters or not accepting services, she said, including “the shortage of safe, welcoming shelter beds.”

“Reducing the tragedy of people taking makeshift refuge in transit facilities and on the trains,” Ms. Routhier added, “means giving them somewhere better to go — not using the police to chase them in circles.”

Danny Pearlstein, a spokesman for the Riders Alliance, a transit advocacy group, said the program was an improvement over just issuing tickets and imposing fines.

“Not ticketing people for living on the subway is certainly a step in the right direction,” he said. “Our leaders need to provide the homeless with better options.”

A spokeswoman for the mayor said that the new subway program was just one of many efforts underway to help the homeless, and that the city is expanding affordable housing for the homeless, including converting temporary apartments into permanent homes.

“Helping homeless New Yorkers access the services they need often takes prolonged engagement and many attempts by outreach workers,” said the spokeswoman, Jane Meyer. “This pilot will turn previously punitive interactions with the criminal justice system into productive ones aimed at actually helping people address underlying challenges.”

The Subway Diversion Project was developed in partnership with the Bowery Residents’ Committee, a nonprofit that has long been contracted by the city to provide housing, shelters and outreach to the homeless. The city will provide the financing to hire additional outreach workers, said Muzzy Rosenblatt, the group’s chief executive.

Under the program, police officers will verify that a person is homeless, and then notify outreach workers to escort the person out of the subway to be evaluated.

Mr. Rosenblatt said that as long as people went with the outreach workers for an initial assessment, their summonses would be waived. They will not be required to accept follow-up services. “We expect that many of the individuals who engage with us for that assessment will continue forward voluntarily to participate in those services,” he said.

Mr. Byford, the transit chief, said the new program aimed to help vulnerable people while also balancing their needs against the needs of millions of subway riders.

Transit workers will ask homeless people to sit up, move or leave if they are being disruptive or endangering public safety. But, he added, those asked to leave invariably “come right back because the alternative is not attractive to them.”

Transit officials are also trying other measures. They recently opened waiting rooms in subway stations at Chambers Street in Lower Manhattan and Jamaica Center in Queens to try to move the homeless out of subway cars while also giving them a comfortable place to sit, drink a cup of coffee or escape the heat.

“I want to stick up for my customers,” Mr. Byford said. “They have paid good money to have a safe, clean, traveling environment.”

<https://www.nytimes.com/2019/06/26/nyregion/mta-subway-homeless.html>



